John Carter Brown
Library
Brown University

N.°

James Swan

Callender Sc.

— A rare and valuable work —

Thomas Pownall was born in 1722, was appointed Governor of Massach* in 1757 in place of Mr Shirley. In 1760, he succeeded Sir Francis Bernard as Gr. Governour of New Jersey — Soon after he was appointed Governour of South Carolina — Which office he held for a short time, being recalled by his own request. In 1768, he was chosen member of Parliament, — he retired from publick business in 1780 — and died at Bath Feb 25. 1805. aged 83, retaining his faculties in vigour.

PRINCIPLES

OF

POLITY,

BEING THE

GROUNDS and REASONS

OF

CIVIL EMPIRE.

IN THREE PARTS.

By *THOMAS POWNALL*, Esq;

LONDON:

Printed by EDWARD OWEN in *Warwick-Lane*.

MDCCLII.

TO THE

UNIVERSITY OF *CAMBRIDGE*,

IN TESTIMONY

OF HIS FILIAL REGARD

TO THE PLACE OF HIS EDUCATION,

AND

IN GRATEFUL REMEMBRANCE

OF THE BENEFITS HE RECEIVED IN IT,

THESE PAPERS

ARE INSCRIBED AND HUMBLY DEDICATED,

BY

T. POWNALL.

Of the USE of DIALOGUE.

WHEN the Ideas and Propoſitions that relate to any general Theorem have been ſo entangled amongſt themſelves, and ſo involved with Matter foreign to them, as to render ſuch Theorem a Subject of Controverſy; *it's Parts and Members will be diſunited and diſſipated, their Proportions and Relations deſtroy'd, and even the leſs general or ſubordinate Truths be found on different Sides of the Queſtion, as the foreign Matter they are engaged with ſeems to incline them. The Method therefore of Reaſoning, that this State of the Caſe ſeems to require, is, firſt, to inquire in what Particulars the even contrary Sides of the Queſtion may agree, that ſo we may unite the* coinciding Truths. — * ea quæ modò dixiſti cum iis conferamus quæ tuis antepono; quæ ſunt igitur *Communia* vobis cum antiquis, hìc ſic utamur ut conceſſis; quæ in controverſiam veniunt de iis, ſi placet, diſſeramus. *Next by* Compoſition, *to compare and ſort amongſt each other thoſe leſs* general and ſubordinate Truths *that have been diſſipated, ſo that they may again rank in their natural Order; and, laſtly, to* oppoſe to one another *thoſe* mixt Propoſitions, *whoſe Contrariety ariſeth only from the foreign Matter annex'd to them, that ſo, ſuch contradictory Matter mutually deſtroying itſelf, the preciſe Relation and Agreements of thoſe Truths that remain unmixt, may appear, and by oppoſing, and* reciprocally reducing to Abſurdity, *thoſe Propoſitions that are entirely falſe, they may be reciprocally and entirely deſtroyed: So that the whole Truth, and nothing but the Truth, will remain; and the ſeveral Parts of it, brought together and ſorted in their due Ranks and Proportions, will all conſpire and unite again under the one general Theorem required.*

In the ſame Manner therefore that, in the Science of Optics, a Picture, that has been deform'd, does neceſſarily, *by the known Method that deform'd it, and the Rules that are to rectify it, correſpond to that one ſpecific Mirrour that will reflect it in it's due Proportions; in the ſame Manner* naturally *does this State of a Theorem, and the Manner of treating it in Dialogue, ſeem to correſpond. To this the Method of Dialogue, uſed by* Socrates, *and followed by* Plato *and* Cicero *in their Writings, ſeems beſt adapted.*

* *Cicero* de Fin. lib. 4. § 10. Loquitur *Cicero.*

* Nec

* Nec nihil optimè, nec omnia præclariſſimè quiſquam dicere nobis videbatur : quapropter ſtultitia nobis viſa eſt, aut à bene inventis alicujus recedere, ſi quo in vitio ejus offenderemur ; aut ad vitia ejus quoque accedere, cujus aliquo bene præcepto duceremur. Quòd ſi in cæteris quoque ſtudiis a multis eligere homines commodiſſimum quodque, quàm ſeſe uni alicui certo vellent addicere, minùs in arrogantiam offenderent ; non tantoperè in vitiis perſeverarent ; aliquanto leviùs ex inſcitia laborarent.—— † Verentibus nè vel falſæ rei, vel non ſatis cognitæ, aſſentiamur ; faciendum videtur, ut diligentèr etiam atque etiam argumenta cum argumentis comparemus, ut fecimus in iis tribus libris, quos de natura Deorum ſcripſimus. —— ‡ defendat quod quiſque ſentit ; ſunt enim judicia libera : nos inſtitutum tenebimus, nulliſque unius diſciplinæ legibus adſtricti, quibus in philoſophiâ pareamus : quid ſit in quaque re maximè probabile requiremus, ‖ de ſingulis rebus in utramque partem dicendi exercitatio inſtituta eſt, ut non contra omnia ſemper, ſicut Arceſilas, diceret, & tamen, ut in omnibus rebus, quidquid ex utraque parte dici poſſet, exprometet.— ¶ neque noſtræ diſputationes quidquam aliud agunt, niſi ut in utramque partem dicendo et audiendo eliciant et tanquam exprimant aliquid, quod aut verum ſit, aut ad id quam proximè accedat—** verum enim invenire volumus, non tanquam adverſarium aliquem convincere.—*Theſe are the Sentiments of* Cicero *upon this Matter, and this Method he applied thro' all his Works, in ſo exact and perſpicuous a Manner, that it may eaſily be ſhewn, not only how, in each Dialogue, this Method is purſued, but alſo in each what particular Truths he means, upon the Balance of the Whole, to inculcate. I have often therefore wonder'd, that the Scope of his Writings ſhould have been ſo totally miſunderſtood, as that we ſhould ſee even learned Men inquiring and diſputing, where and in which of the Characters, introduced into the Dialogue,* Cicero's *true Sentiments are to be found. It hath always ſeemed to me as great an Abſurdity, as if, in a long and intricate Account, a Man ſhould ſeek for the true State of it any where, but in the full and final Balance of the Whole.*

The ſame might be ſhewn throughout the Writings of Plato, *whoſe Dialogues, according to the different Intent and Application of them, are of three Kinds, the* Απορητικοὶ, Πειραςικοὶ & Μαιευτικοὶ. *The Method of the firſt, where any Truth is render'd controverſial, is, by deſtroying the*

* *Cicero* de Invent. lib. 2. § 2. † De Divinat. lib. 1. § 4. ‡ *Tuſculan.* lib. 4. §. 4.
‖ De Fin. lib. 5. § 4. Loquitur *Piſo.* ¶ *Lucull.* § 3. ** De Fin. lib. 1. § 5.

Errors

Errors on each Side of the Question, to moderate between both, and reconcile them; as may be seen in his Cratylus. *To understand the other two, we must observe this Proposition which* * *he lays down as a Principle in all Reasoning,* ἓν τὰ πόλλα εἶναι καὶ τὸ ἓν πόλλα, i. e. *that every Thing stands ranked either as a Particular under some* Genus, *or is a* Genus *to a Number of Particulars. In the Forming therefore, or Resolving any Truth, Care must be taken that those Particulars only be found in such* Genus *as relate to it, and in that Order only in which they stand rank'd under it. With those who, by Prejudice of Education, or by the natural Imperfections of the human Constitution and Mind, have acquired false Notions and Sentiments of Things, with these his Dialogues are* Περαστικοὶ, *calculated only to convict and remove these Errors, and prepare the Mind for the better future Reception of Truth, but do not advance to the Proposing any. These are chiefly wrote against the Sophists and their Scholars; as his* Charmides, Meno, Theætetus, Hipparchus, *and many others.* Socrates *said, and* Plato *writes, that of Divine and Moral Truths we have* a natural Feeling or Sense *coinciding and correspondent to the original essential Nature of them; in the same Manner as we have a correspondent Sense or Feeling of Harmony, prior to all Reasoning about it; and that as the Eye in Health, and open, cannot but see the Light of the Sun; so this Sense of the Mind (if uncorrupted and unobstructed) cannot but have Impressions of these Ideas, and that it labours in it's Reasonings, to express these Prototypes. Those Dialogues therefore, where he is assisting the Interlocutor to elicite and express these Ideas, he, from a particular Vein of Humour calls* Μαιευτικοὶ, *because,* † *saith he, being the Son of a Midwife, I am myself a Midwife; not to bring into Life natural but moral Births; and as it is their Business to raise the quick Pains, and to allay them; so doth this Method of Investigation raise the Pains of Doubt and Uncertainty, and allay them again by Reason and Truth, bringing to Light that true Image of Things which the Mind labours to express. Of this Sort are the two Dialogues with* Alcibiades, *the* Laches, Lysis, *and others. Sometimes these two latter Methods are joined in the same Dialogue. And accordingly these Dialogues are in the Course of the Investigation so professedly teizing and perplexing, that the Interlocutors are represented as growing out of all Patience, and complaining of it; as the Reader will*

* *Platonis* Philebus de Voluptate, sive de opt. Bono. † *Platonis* Theætetus.

often

often do, before he arrives at that Satisfaction which will amply repay him in the End.

In this Method of Writing there are no Determinations made, no Judgment form'd, no Authority impoſed, for any Opinion on either Side of the Queſtion. No final Concluſion muſt be here on the Face of the Matter look'd for; but to the Man, whoſe Reaſon is his Authority, whoſe Judgment knows no other Maſter; whoſe Determinations are impartially drawn from what, on either Side, appears to be true, the Theorem will ariſe with more Satisfaction and greater practical Conviction than in any other Way. As this Method therefore hath been eſteem'd proper in Subjects of Controverſy, it ſeems ſurely more ſo, where the Paſſions and Prejudices of Parties have been interwoven into ſuch Controverſy. 'Tis leſs offenſive; 'tis more impartial, and more likely to convince; becauſe by ſuch Method Truth is not only apparent to the Reader, but becomes real, practical, and his own.

I know but one Objection to it, which is againſt the modern Uſe of it: For here, ſays Lord Shaftsbury, *the Characters in the* Drama *will be either falſe or affected. To obviate this, the Perſons introduced in the following* Drama *are ſuppoſed to reaſon from Papers already conſider'd, and lying before them; and that any Gentleman of ordinary Literature may be ſuppoſed to do ſo, ſeems neither a falſe nor affected Character.*

ADVERTISEMENT.

THE Firſt Part of theſe Papers, pointing out the Defects, Inconſiſtencies, and Ineptitude of the Civil Theorem of an Original Contract, was publiſh'd ſome Time ago by itſelf, under the Title of, *A Review of the Doctrine of an Original Contract*, to the Intent, that if thoſe Objections ſhould appear to ariſe from Miſapprehenſion of the Subject, and ſhould have been anſwer'd, the remaining Parts, as uſeleſs, might be ſuppreſs'd: On the Contrary, they have remain'd unanſwer'd, and it hath been a general Obſervation of thoſe who have read the firſt Part, with any Degree of Attention, that, altho' the Author ſeems to put his own Sentiments into the Mouth of *L. Craſſus*, yet he hath left *Scævola* in Poſſeſſion of the Argument, which amounts to a Confeſſion of the Validity of the Objections. The remaining Parts therefore ſubſtitute another Theorem of the Grounds and Reaſons of Civil Empire, as they ariſe from Nature, not poſitive Inſtitution.

PRINCIPLES

PRINCIPLES OF POLITY.

PART I.

SOME Time after the late Troubles of the Kingdom were ſo happily ended, I was invited by my Friend *L. Craſſus*, to ſpend a Month or two with him. He was a Man who had made the beſt Advantages of a liberal Education, and a Knowledge of the World —he had with him an old Friend of his Father's, a Man of much Reading, and eſteem'd by the Gentlemen of the Neighbourhood a great Scholar; a Man of great Candour and Humanity; and of a Livelineſs unuſual in People of his Age; which made him agreeable, and his Acquaintance valu'd every where—Accordingly towards the

latter End of the Year, I went to S** his Seat; it had been the Manſion-houſe of the Family for many Generations, it was very large and very old: The Manner of the Building was auguſt, and preſerv'd the Spirit of the old *Engliſh* Taſte, whoſe rough Freedom pleas'd more than Regularity, affected nothing but plain Honeſty, yet claim'd almoſt Veneration; and what might ſeem wanting in outward Ornament, was amply recompens'd by more ſolid Convenience within; in ſhort it was very well adapted to all the Purpoſes of good living. The Entrance is into a ſolemn old Hall, furniſh'd with long oaken Tables, where many an old Chief and his Followers had feaſted.—It was hung round with old Armory, and in the moſt conſpicuous Place over the Chimney, was an old Parchment Writing finely decorated on the Edges, which I ſoon diſcover'd to be a Copy of the Grand Charter. Here the Family met every Morning to breakfaſt in one of the old Bow-windows.

It happen'd one Morning that my Friend *Craſſus*, his Friend whom * I ſhall call *Q. Scævola*, and myſelf met here before the reſt of the Family came down, and as at this time the Converſation of the whole People turn'd upon the Danger of the Rebellion, and the glorious Succeſs of our Troops in the Suppreſſion of it, our Converſation took the ſame turn. But as our old Friend, by the particular Courſe of his Education and Acquaintance, had a ſtrong Tincture of thoſe Principles which were the prevailing Politicks of former Reigns; the Diſcourſe began naturally to run into a Diſpute of that particular Connection there is between the Subject and the Government. I was apprehenſive from the ſanguine Diſpoſition of my Friend *Craſſus*, it might grow too particular; therefore endeavouring to make it more general, or if I could, to turn the Converſation, I ſaid I don't wonder *Lucius* to ſee you thus ſtrenuous in defence of thoſe Principles by which your Fathers preſerv'd, and deliver'd down to you your Liberty, ſo fair an Inheritance: For the very Air of this Place would inſpire one with ſuch Sentiments. Thoſe old Arms, that have been ſo

* Quaſi enim ipſos induxi loquentes, ne *inquam* & *inquit* ſæpius interponeretur. *Cicero.*

often

often born in defence of that Liberty, are daily Monitors of the ſame: That ineſtimable Charter too is a living Memorial of that Spirit which has always prevail'd in this Land. Thus in the old Days of Heroiſm, their Arms and the Devices upon them were Inſtructors of ſuch Sentiments, as each Country could wiſh every Son to be inſpired with; either a generous Emulation of their Anceſtors, by repreſenting the Glories of their Family, and their heaven-deriv'd Origin: or inſinuating the Principles of Honour and publick Affection, taught under ſome fine Allegory. Thus we ſee *Achilles* Shield—

Here *Craſſus* interrupted me ſomewhat warmly. I conceive what you would intimate. But (beſides that) I ſhould be ſo far from entertaining any airy Schemes to ſupport the Spirit of Liberty; unleſs from the due Senſe that a Man ought to have of his own Right and Property: that on the contrary, I think ſuch Schemes have been the Fomentors and Inſpirers of all the Troubles this Nation hath been plagued with. For when the Caprice of particular People, blindly devoted to this or that Form of Government, often inflam'd with a mad Zeal for Innovations, ariſing from worſe Motives, ſets itſelf at work to form Parties, they will never want ſpecious Colours to dreſs out the worſt of Villanies with. And theſe are what deceive the Honeſt and Well-meaning; who from being, as you could wiſh them to be, inſpir'd with the Spirit of Liberty, and perſuaded that they are fighting under that Banner, run headlong into the laſt Extreams, till they are ruin'd by the Spirit of Madneſs. Whereas all that I would have my Children underſtand from theſe Memorials, is, that they ſhould Form the true Eſtimate of their own Importance in the Community, and be well acquainted with that preciſe Character, and Weight in the Government, which their Property naturally gives them; that they ſhould conſider theſe Arms, which have been often gallantly born in Defence of it, as deliver'd down with it for the ſame Purpoſes: That this ſhould be the Standard of their *Civil Faith*; and that they ſhould be ready, and dare even with their Lives, to maintain ſuch Rights, and defend ſuch Property, from any Invaſion

from abroad, or any injurious Attack within, either of the People or the Government.

Now ſuch Principles can never incite them to innovate, or diſturb the Government, or act offenſively on any Pretence whatſoever; but will be a Barrier and form them rigid Champions of Liberty. For as this Rule is not imaginary but real, and founded on the very Matter of Government, it can be affected by nothing but what reaches that Foundation: it can give no Pretence to Parties and Oppoſitions, but where the Foundation of Government itſelf is ſhaken.

Q. Scæv. While I cannot but with Pleaſure obſerve, that the natural turn of your Temper inclines you to the ſecuring and preſerving the Peace of Mankind; and in what manner your Benevolence wou'd make that the only End and Purpoſe of all Government; yet cannot I but ſee how ill theſe Principles, how imperfectly theſe Maxims anſwer this End. For it is of the Foundation of theſe Politics to ſet up two ſovereign and diſtinct Intereſts in the two political Perſons of the Governors and Governed, while the latter are taught to conſider themſelves originally equal with any other Individual, and free of all Dominion but what ariſes from their own Appointment; and in no other Tyes connected than by their own Compact; and that not only the People, amongſt themſelves, but that the Governors and the People were originally equal and independent of each other; and that the Subordination ſubſiſting between them, aroſe wholly from their own Conſents. Indeed they ſay, that theſe Governors are ſovereign and independent, yet they make the People ſo too, and of theſe two ſovereign, independent, diſtinct and different Intereſts is this Contract form'd; and in the forming it the People have many Rights and Claims to bargain for, as the Sovereign too has certain Intereſts, certain Powers to maintain. Thus they divide Mankind, as it were, into two Species of Creatures, of Kings and People. They ſay indeed Kings are appointed to the Government by the People, yet as at this very Appointment, they ſuppoſe theſe Kings to have certain Powers and Prerogatives to uphold, they ſtill make them diſtinct individual

Perſons,

Perſons, a diſtinct Party to this Contract. Thus theſe two Parties enter into Compact or a defenſive Alliance, where the Conditions to be performed are, *on one hand* Allegiance, and Protection on the other, and that theſe are reciprocal. Thus in the Entrance, in the *very* Foundation of theſe *Politics*, *inſtead* of being a Community, an Union of ſeveral Individuals under one common Intereſt and Empire, *it is* a mere Coalition or Alliance of two different and diſtinct Intereſts.

Thus the Writers on theſe Matters, who talk ſo much of an Original Contract, do not inquire how theſe contracting Parties came to be ſuch, but think it ſufficient, beginning from the State of the Caſe that there are two ſuch, to prove that each in their own Rights are ſovereign and independent, where it is the Duty of Each to preſerve and ſecure and ſtrengthen their reſpective Rights, to award off the Encroachments of the other, and confine him within his legal Bounds and Power. Hence it is of the very Eſſence of theſe Governments to ſubſiſt, and be carried on, by Parties and Oppoſitions, as the noble Author of the Diſſertation on Parties hath fully ſhown.

L. Craſſ. Truly I muſt own there is ſomething in the Fortune that theſe Politics have met with, which may give Grounds for this Repreſentation of them; tho' it is as far from their real Colour as Black is from White. But as a great Reaſoner well obſerves on this Point, " The Theory of Civil Society founded on an Original Contract, has " had the Fortune to fall into ill Hands, the Enemies of their Coun- " try, who inforced it not to defend the Liberties we enjoy'd, but to " alter the Eſſence of the Conſtitution." Nay further they have ſuffer'd equal Perverſion from the Injudiciouſneſs of thoſe who have been in earneſt to maintain them; for while, treating of this Matter, they have endeavour'd to illuſtrate and exemplify the Point from actual Inſtances, they have thrown this very Light upon it that you charge it with. They find no actual Examples but in the Compoſitions and Agreements that have been the final Iſſue of contending Parties; or the Compoſitions between Kings and their Subjects, who having

having been *drove* to War to ſupport themſelves againſt the Uſurpation of ſuch Kings, have claimed and gained by the Law of Arms, that which was their Right by the Law of Nature, as that ſacred Charter there teſtifies. Or otherwiſe in the Treaties between two Nations that have been at War, where upon a Peace the leſſer has been taken into Protection, and united into the *Impire* of the greater; as there are many Inſtances in the Courſe of the *Roman* Hiſtory. In all theſe Caſes indeed the Contract is between two ſovereign, independent and different Intereſts; where both Parties are two actually exiſting Perſons, have different Demands to make, and different Rights and Claims to be ſatisfied. But originally in Nature there can be no ſuch difference of Perſons. Every Individual is equal, and as of equal Claims and Rights ſo of equal Power and Authority, therefore if we look upon the firſt Conſtituents, the Governors are but Individuals of the ſame perſonal private Rights and Power, as the Governed. Thus we may ſee that ſuch Inſtances do not illuſtrate but pervert this Point. For the Caſe, in order to ſuit theſe Examples, ſhould ſtand as follows: A ſet of People herding together, a meer rabble Rout without public Senſe or Power to conduct themſelves, meet with ſome one of theſe *kingly Perſonages*, who muſt be ſuppoſed on their Part to have eſſentially from Nature ſuch Royal public Power, but no People to exerciſe it on; this Herd, on the other ſide, muſt be ſuppoſed to be eſſentially a ſervile leading Flock wanting a Leader; and that theſe two Parties, having thus luckily met with each other, immediately ſettle a Conference for ſtriking a Bargain. The People promiſe to ſubmit themſelves to his Guiding and Juriſdiction, if he will undertake to lead and protect them: while he on his Part promiſes to be their Father and Protector, if they will put themſelves under his *Impire* and Dominion. This would indeed be ſetting out with two different Intereſts inſtead of one Community.

But really in Nature there can be no ſuch Caſe, the Parties, to the Contract we mean, are each Individual conſenting to the Whole and every

every Particular * " to join and unite into one Community, for " their comfortable, ſafe and peaceable living amongſt one another, in " a ſecure Enjoyment of their Properties, and a greater Security againſt " any that are not of it:" And when they have agreed upon the Methods and Means of promoting this End, they appoint ſome one amongſt them (as they cannot all do it) to adminiſter and execute theſe Meaſures. Thus the Parties to the Original Contract are not the People, as the Party on one hand, and the King, as on the other; but before any ſuch *Political Perſons* are form'd, the Compact Deed is executed, and every Individual Conſtituent of the Community, in their own *private* Perſons, are Parties to it, and are bound to the Whole and to each Particular, for the Performance and Support of it.

Q. Scæv. Well, be it ſo—Yet however theſe Political Perſons may have aroſe; or whoever may have been the original Parties to this Contract; however the *Imperium* may have been brought about: Yet is it not ſtill of the Conſtitution of ſuch Governments, who ſuppoſe themſelves founded on an Original Contract, to conſider this Contract as actually and really ſubſiſting between the King and People, and that each Party is bound and engaged to look to the juſt Performance and Execution thereof? And that any Act of either Party fundamentally contrary to ſuch Conſtitution of the Government, is an actual Breach of that Contract? And that it is at all times the Duty, which either owe to themſelves, to ſee that the other does not infringe the Contract to his Detriment? Is not this the ultimate preciſe State of the Caſe, in whatever view you conſider it? whether with the ſpeculative Politicians as a mix'd Government, or with the Lawyers as a Compact Deed and Bond to obſerve the Laws, *which is this* Contract?

If with the Philoſophers you talk of a Mixt Government, you conſider That Order and Subordination, by which alone a Number of People can be capable of acting as one Body, as capable of taking three Forms; either where the actuating Power is collected and reſides in one, and is called Monarchy; or where by a more equal Diviſion,

* *Lock* on Government, § 95.

it

it is in the Hands of thoſe few whoſe Weight and Property give them this Influence, and is call'd Ariſtocracy; or where the Circumſtances and Humour of the People ſuffer no one to out-grow his Neighbour, or to have more than any other Perſon, where it is thus diffus'd amongſt the whole, and is call'd Democracy. You are taught to conſider theſe three Forms as the only ſimple Forms of Government. But that when the Power is thus wholly reſident in any one Part of the People to the Excluſion of the reſt, it muſt be oppreſſive and tyrannical. That therefore the beſt Governments are fram'd and accorded of theſe three ſeveral Forms, that is, where the Power is divided amongſt the People in all the three Ways in which they are capable of exerciſing it, ſo that each Part may have its due Proportion of Influence. From this right Diſtribution, and from each being able to preſerve its own Share, and award off the Encroachments of the other; or from any two being able to prevent the other that he grows not too great, and amaſſes not too much Power, ariſes the Perfection of this Conſtitution. This is, I believe, the cleareſt Idea we conceive of what is called by theſe Reaſoners, a Mixt Government; and yet ſee the Effects of it, 'tis of the very Conſtitution of this, as I ſaid before, to ſubſiſt and be carried by Parties and Oppoſitions: for it conſiſts of divers and different Parties, which can only ſubſiſt by oppoſing and being a Check upon each other.

I know what fine things *Polybius* ſays of theſe three being ſo happily conſtituted in the *Roman* Government, that each ſeparately was capable of exerting its reſpective Power and Influence over the reſt, and yet none able to claſh or interfere with the Power of another; but if inſtead of inſtancing in any actual State, he had ſaid, it was poſſible it might be ſo, he cou'd not ſo eaſily have been controverted from matter of Fact: but unluckily the *Roman* State is an Inſtance to the contrary. Can any Party ſupport itſelf unleſs it hath a Power ſufficient to enforce its Influence? and if it hath actually ſuch Power as to be capable to enforce its Acts, it may exert an illegal or undue Influence; and muſt not this be contrary to the Intereſt of any other that is con-

nected

nected with it? Therefore any Conſtitution explain'd from this Idea, muſt conſiſt not only of different, but contrary Parties, and conſequently of Oppoſitions.

Government we know abridges every Individual of that Liberty, which in a State of Nature he is born to, and in whatſoever Hands the adminiſtring Power reſides, 'tis the Duty, the Intereſt, 'tis of the very Eſſence of that Power, that the People ſhould be kept in Subordination to the actual Influence of it; ſo that it is the Intereſt of the Monarchical Part to keep the Connections and Strictures of Subordination as cloſe and faſt bound as poſſible. On the contrary, it is the Spirit and Policy of a free People to preſerve all their Liberty as clear and detach'd of all external Influence as poſſible; "to hold themſelves free by as enlarg'd an Immunity as they can, to live and do "as they pleaſe, to ſubmit to no perſonal Influence, however as little as may be *." Thus it becomes the Intereſt of the Democratic Part, to be a conſtant Clog and Check upon the Meaſures of the adminiſtring Power, and to oppoſe themſelves to every new Exertion of its Influence. Here then there are two different Parties whoſe Intereſt is eſſentially contrary, and who can alone ſubſiſt by the Struggles of Oppoſition.

Nay it is of the Spirit of this Policy to ſpeak of theſe as ſet up to be a Counterbalance the one to the other, to oppoſe, check and impede the other. Hence a Balance of Power, and a due Regulation of this Balance, is of the Eſſence of this Conſtitution. Now as betwixt Nation and Nation the preſerving and guarantying ſuch foreign Balance has linked all the Powers of *Europe* in a perpetual Series of War and Bloodſhed, ſo the ſupporting and reſtoring this domeſtic Balance amidſt the Powers of Government, has been the Pretence and Occaſion of all the Factions, Rebellions, and Civil Wars that this Kingdom hath been torn and diſtracted with. Like the fighting of the Elements this Strife may produce ſome happy Form at laſt, but in the mean while the unhappy Conſtituents are deſtroy'd and ruin'd.

* Ariſt. de Repub. Lib. 6. cap. 2.

" The true Meaning of a Balance of Power (ſays an ingenious Writer) " is beſt conceiv'd, by conſidering what the Nature of a Balance is. " It ſuppoſes three things; firſt the Part which is held together with " the Hand that holds it; and then the two Scales with whatever is " weigh'd therein." Now as infinite Accidents ſhall happen, and Circumſtances ariſe, to the Interruption of this tender Conſtitution (for you ſee on how tickliſh a Point its Peace and Safety lyes) from that Inſtant muſt all be in Confuſion and Diſorder; the whole State muſt be going to Wreck and Ruin; and if it can be a while upheld, it will drag on a fev'riſh Being, amidſt the Delirium of Parties and Factions, amidſt the Uproar of Tumult and Sedition, and at length die miſerably, amidſt all the Horrors of Rebellion and Maſſacre. I know how we are taught to ſay this Balance may be preſerv'd by the Addreſs, Conduct and Integrity of the Hand that holds it; but how little does Experience teach us to expect from this! The groſſer and more uſual way is, by calling in and adding to the lighter Scale, the Influence of ſome external Power, thus indeed a kind of Equilibrium is preſerv'd, but the Beam, on which the Balance reſts, is in the mean Time overcharg'd and broken down.

Or if with the Lawyers we conſider the Laws as a Contract between King and People, a mere voluntary mutual Covenant between two free and independent Parties; we ſhall in the Event find that the Conditions of it, between Prerogative and Privileges, muſt be ſo vague and indeterminate, the Obligations of it ſo looſe and imperfect, that theſe Principles ſhall prove the very Seeds of Anarchy and the Diſſolution of Government. In how many different Methods ſhall the Inſolence of Power explain this away? What but Power can determine and fix the Barrier between theſe two? And after all, on which Side ſoever is the greater Power, Pretexts and Caſuiſtry will be never there wanting to find Colour and Reaſons for every Violence of it. If it can be ſaid that the firſt covenanting of this Contract was an Act of Freedom; upon every Temptation and Opportunity it will be broke at Random. It will be ſupported, while it is kept, by no-

thing

thing but the conſtant Strife and Struggles of the contracting Parties; and either Side, if it be in their Power, will keep it no longer than is convenient for them. " Lady *K*—, ſays Mr. *Selden*, articled with " Sir *E*— *H*—, that he ſhou'd come to her when ſhe ſent for him, " and ſtay with her as long as ſhe would have him, to which he ſet " his Hand: then he articled with her that he ſhould go away when " he pleas'd, and ſtay away as long as he pleas'd, to which ſhe ſet " her Hand, this is the Epitome of all the Contracts in the World be- " twixt Prince and Subject, they keep them as long as they like " them, and no longer."

Thus upon the whole, we ſee theſe boaſted Principles of Liberty, how well ſoever they may ſerve the Purpoſes of Parties and Factions, are ſo far from being the Principles of Peace and good Government, that they are the very Seeds of Confuſion and Anarchy; and I do verily believe that, whatever the Mob of Politicians may think, and however the Leaders of ſuch Mob may contrive to give this illuſtrious Colour to their Deſigns, That theſe Politics are only the Pretexts of the ingenious Few (and what cannot a Combination of the Ingenious make faſhionable?) to impoſe upon the ſervile Many. They are only calculated for an Oppoſition, and never thought of but by artful Men, who aim to build their Power on the Deſtruction of thoſe in Power. For they are incompatible with any eſtabliſh'd Power. Though we may think highly of Man, and talk big of the Power of Reaſon, the Energy of Truth, the Force of Liberty, and ſuch Vaunting. Yet ſo mechanically do we all act by Habit and Cuſtom, that Experience ſays, Mankind will be always found (give them but ſome cant Terms and Phraſes to amuſe them) ſervilely ductile under every Frame and Faſhion, that the artful and ingenious ſhall think proper to dreſs out their Deſigns with. Give them but an Opportunity to run wild about, venting their ill Humour and ill Manners; and nothing is too abſurd or extravagant for them. To ſuch a Pitch of Enthuſiaſm and Folly ſhall the Contagion work itſelf, that tell

them but that *the Monument is in Danger*, and half Mankind ſhall run mad after a May-pole.

L. Craſſus. It is certain, that *theſe* Politicks are only calculated for Parties and Oppoſitions, and indeed were never entertain'd but by ſuch, and in the manner that you have repreſented them, could never be uſed to any other Purpoſes. For ſuch Politicians being wholly intent and ſolicitous to diſengage the popular Intereſt from the undue Influence and Dominion of the regal Power, forgetting in the mean while that the Government is a Community, a one common Intereſt of the individual conſtituent Intereſts, their whole Force and Reaſon has been employ'd to fortify and ſecure the People, their Liberties and Property, to fence them in a ſeparate Part, and as it were, broke off from the Community, a peculiar *Impire*, a diſtinct Commonwealth *.

Thus whoever have wrote upon this Subject amid the Struggles of a State about Prerogative and Liberty, about the Encroachments of the Few upon the Rights of the Many, and of the Many upon the Privileges of the Few, they have all concurred in repreſenting this Contract, not as the common Conſociation of a Number of equal Conſtituents entering into Community, but as a mere Treaty of Alliance between King and People †, and ſuch like political Parties. This Repreſentation is, I am afraid, too conſonant to the Sentiments of Parties, not to be too common: Yet is as far from being the true Caſe, as a mere Treaty of Alliance betwixt two federate Nations is from an Union of thoſe two Nations into one Society or Government ‖.— If this was indeed the Caſe, all the Evils, which you mention to enſue from theſe Politics, might be truly urg'd upon us in their utmoſt Conſequences. There would then be two diſtinct Parties with

* Plebem, quam partem veluti abruptam à cætero populo, veſtram Patriam peculiaremque Remp. feciſtis. *Livius Lib.* 3. §. 19.

† Ἀλλὰ μόνον ὅπως μηδὲν ἀδικήσουσιν ἀλλήλοις *Ariſt. de Rep. Lib.* 3. *c.* 9.

‖ Καὶ γὰρ ἂν Τυρρηνοὶ καὶ Καρχηδόνιοι, καὶ πάντες οἷς ἔστι σύμβολα πρὸς ἀλλήλους, ὡς μιᾶς ἂν πολῖται πόλεως ἦσαν εἰσὶ γὰρ αὐτοῖς συνθῆκαι περὶ τῶν εἰσαγωγίμων, καὶ σύμβολα περὶ τοῦ μὴ ἀδικεῖν καὶ γραφαὶ περὶ συμμαχίας· ἀλλ' οὐτ' ἄρχαι πᾶσιν ἐπὶ τούτοις κοῖναι, &c. *Ariſt. de Rep. Lib.* 3. *c.* 9.

diſtinct

distinct and contrary Interests, and have nothing to connect them, but the alternate Fear of each other, or the united Fear of some common Enemy. And though under the immediate Impression of Danger this latter might unite them, yet the other would be the inveterate Spirit of Faction; each respectively could promise himself no Security but in the Incapacity of the other to hurt him; neither would either dare to advantage the other, lest he should make him too powerful for himself: So that the very Alliance must be vitiated with Jealousy, and the Communion carried on by Strife and Contention.

Indeed you may well say, *these Politics* are only fit for Parties and Sedition, and all the black Train of Faction; for they are only and wholly the perverted Representations of mistaken or factious Men; whose only Field of Action, or Opportunity of Interest, is in the Confusion and Distraction of all the Powers of Government: Men who fear nothing so much as the Peace and Harmony of the Orders of the State, because it must inevitably take away all Occasion of their bad Popularity; so, like poor Knavish Mechanicks, make themselves work, alway willing to have something wrong in the Constitution, that there may be something which requires them to cure it.*——

——Whenever thus in any State it can become the Interest of Particulars to make a Breach and Division in the *Impire*, they can never want specious Pretences nor Tools to work upon, to form such Opposition, and to persuade such, that it is in a distinct Interest from the Government, and that it is constitutional, and what not? With such, as may be seen through the whole *Dissertation on Parties*, Oppositions become the virtuous Support of Liberty, and a noble watchful Care for the common Interest of Mankind. *These are the minor Patriots*, who not having Parts or Interest sufficient to maintain and

* Si unquam dubitatum est, Quirites, utrum Tribuni Plebis vestrâ an suâ causâ seditionum semper auctores fuerint, id ego hoc anno desisse dubitari, certum habeo——quid illos aliud aut tum timuisse creditis, aut hodie turbare velle, nisi concordiam Ordinum? quam dissolvendæ maxime Tribunitiæ potestatis rentur esse? Sic herculè tanquam artifices improbi, opus quærunt; qui & semper ægri aliquid esse in Repub. volunt, ut sit, ad cujus curationem à vobis adhibeantur. *Liv. Lib.* 5. §. 3.

act

act with the real Powers of Government, and but juſt Art and Intrigue enough to work themſelves into the Lead of ſome Party in it, muſt there ventilate their poor Spirit of Ambition: It is from *theſe* Demagogues and their Followers, that we hear of Governments being compounded of different Intereſts: *Theſe* are they that talk of a Balance and Counterbalance, of one Power being conſtitutionally a Check upon another; and that it is conſtitutionally the Duty of theſe to pull different Ways, even where there be no real Matter of Difference, yet to preſerve the Equilibrium of Power. Or if they find with all their Throat and Lungs that they are not able to gain that Influence, which they could wiſh to be at the Head of, then the Balance is deſtroy'd, and the Conſtitution is gone to Wreck: *Obſecro Populares, ferte miſero atque innocenti auxilium—Save my Country, Heaven! Save the good old Conſtitution, for I love the Conſtitution of my Country!* This or idler Cant will do, and be call'd *Liberty*, where there is a *Spirit of Licentiouſneſs* amongſt the People.

But let *us* conſider the Matter more diſpaſſionately, we muſt know that all ſuch Individuals as are aſſociated under one Communion can have but one common Intereſt; and that all the leſſer Communities, fram'd upon ſuch a one common Intereſt, muſt be all linked together under one continu'd Concatenation. Now this Intereſt is the very Soul and Spirit of the Government; and ſuch Government can only ſubſiſt by the concurring Conſent of all its Powers in their ſeveral Subordinations to this Intereſt. But where any one Part is taught to conſider itſelf, not as connected with the whole by any Intercommunity of Right and Intereſt, but merely ally'd by voluntary Compact for the Preſervation of its diſtinct Intereſts; and that the Protection of ſuch is the only End of Government, and the Support of it ought to be the only Meaſures of its Policy: It becomes the Politics of *ſuch* to hold themſelves as diſtinct and unconnected as poſſible, and to talk much of *the Independency of the Powers of Government*. But if this Malady has touch'd but one the moſt minute extream Part of a State (ſo virulent is the Poiſon) it ſhall ſpread itſelf through the whole

People,

People, and infect and corrupt the whole Maſs, and where that Corruption hath once broke out, it will glut itſelf with the total Ruin of that Conſtitution.

It were endleſs to obſerve how many free People have loſt their Liberty, by their Leaders uſing the Principles of Liberty to the baſe Purpoſes of Party and Faction. For where theſe Fiends have once inſinuated themſelves, or been *impoſed upon a People under this fair Diſguiſe*, they have never failed to break all that Order and Harmony, and to diſſolve that Communion, by which alone a Government can ſubſiſt. We read in *Livy*, that this one Plague had ſeiz'd all the States in *Italy*, theſe *Principles of Independency* between the People and their Governors, and between one Power of the Government and another *. And we read in *Livy* that all theſe States were deſtroyed. We ſee in our own State, that this Party Policy has been long the reigning Principle, and That *Independency*, which is to diſunite and diſſolve all Connection amid the Powers of Government, has been the only Spirit of Liberty: But may no Ages yet in the Womb of Time ever feel the dreadful Conſequences of it.

That the Mob and noiſy Part of Mankind ſhould be thus miſled is nothing ſtrange: But one would wonder how the thinking Part, that mean not to falſify, ſhould be thus deceiv'd. But when the Infirmity of Man's Nature is conſider'd, how long a Perſon may revolve, and even perceive any Sentiment, may ſee ſome faint Relation and Connections of the Ideas it is compos'd of, and yet not be able to frame and model it, ſo as to repreſent it to his own Mind as actual Knowledge: One ſees from this Infirmity, how willing the Mind is to catch at any Aſſiſtance, from thoſe artificial Forms or mechanical Frames that may ſerve in general to cloath and convey its Ideas with. It is thus we hear of pure Ariſtocracy and Democracy, though there be no ſuch thing as either in Nature, Art, or Example; it is hence we hear of Governments mixed and compounded of the three pure

* Unus velut Morbus invaſerat omnes Italiæ Civitates, ut Plebes ab Optimatibus diſſentirent; Senatus Romanis faveret, Plebs ad Pœnos rem traheret. *Lib.* 24. §. 2.

Forms,

Forms, as of three actual distinct things; it is hence we talk of the People's having the Lead in the *Imperium*, though we know that it is impossible that any People in the Bulk should be capable of Counsel. Here we talk of the WISE FEW the Senate having the Lead, though here too we know it is impossible that any Number of Equals can long subsist without some LEADING ONE at the Head of them. While we please ourselves with talking of these three Parties as subsisting actually by themselves, though at the same time we might know that they actually cannot so subsist; We distract that Communion, by which alone these could have any Subsistence at all.—This Method of representing the thing, while it is only meant for the Ease of Conception, and ready explaining the Matter is useful and scientific; but when it is introduc'd into Practice, as a true Dissection and Analysis of an actual existing System, and thus apply'd to the Purposes of Policy, it is the Ground of all the Error and Confusion that can embroil and mislead a People. In the first Light it hath been consider'd by all the great and wise Reasoners in this Matter, but in the latter by none but mistaken or designing Men.

And it is thus the Folly and Villany of Mankind have conspir'd to misrepresent and pervert those Principles, which to be rightly inform'd of is of the utmost Consequence to them.

Q. Scæv. Be this Description of the Matter, and this Explanation of the Form, of this Policy, how it will; yet from the Nature of the End of these Principles, I do not see how any Man can be oblig'd to subject himself to the State, any otherwise than by his own Consent, or any longer than those Measures of Government, to which he consented, when he connected himself, are pursu'd. All Men, you say, are equal by Nature; all Men are born free, and in a State of Nature; till they do connect themselves; and they can be connected by nothing but their own free Will and Act: And the Conditions of their Connection can be no other than according to their own Consent. " For a Child is born a Subject of no Country or Government

what-

" ever *." No Compact of his Father's can be binding to him, nothing but his own Conſent can connect him. " For every Man's " Children, being by Nature as free as himſelf, or any of his An- " ceſtors ever were, may, whilſt they are in that Freedom, chooſe " what Society they will join themſelves to, what Commonwealth " they will put themſelves under †."

Thus in the forming of Government, nothing in the World can give the State a Claim upon the Service of one who hath not of his own Accord willingly vouchſafed to ſubject himſelf, and this by ſome Overt Act ‖. This Overt Act is the accepting the Terms of the Government, and ſubmitting himſelf to it on the Conditions of enjoying that Protection, which ſuch Government gives to the civil and perſonal Rights of its Subjects. This Allegiance is thus only conditional: And the Conditions of the Obligation are reciprocal to the Protection given. So that if the Perſon has not yet put himſelf under the Protection of the Government; or is by any legal Diſabilities excluded from it: or if the Conditions of ſuch Protection are not fulfill'd, but broken: or if that Protection hath been any how withdrawn ſo that the Subject is forc'd to put himſelf under the Protection of ſome other State; his Allegiance, being reciprocal, will be always there, and there only, due whence he receives his Protection.

It is thus and upon theſe Principles that Dr. *Burnet*, in his Vindication of himſelf ſays, in anſwer to the Citation and criminal Letters iſſued againſt him here in *Britain*, when he was under the Protection of the States of *Holland*, that certainly a Subject may tranſfer his Allegiance by putting himſelf under the Protection of any foreign State: That he may become naturaliz'd to any other Government by which his Allegiance is tranſlated ‡. And it was upon theſe Principles that the States of *Holland* did not give him up, but ſupported him under their Protection, and call'd him their Subject.

* Locke *on* Gov. *Treat.* 2. §. 118.

† §. 73.

‖ *Men may become Members of Society by giving their Conſent either explicitly or implicitly.* Woolaſton Sect. 7. Prop. 7.

‡ Burnet's *Tracts, Vol.* II.

Upon this Maxim too, when King *James* the Second wrote to the States, that he had Occaſion for the ſix Regiments of his Subjects that were in their Service, and deſired that they ſhould be ſent over to him, the States anſwer'd that the Regiments were theirs: They had paid Levy Money for them, and had them under no Capitulation that had reſerved an Authority to the King to call for them at his Pleaſure; ſo excus'd themſelves that they could not part with them; but gave Orders that all Officers that ſhould aſk their *Congé* ſhould have it *.

Upon the ſame Grounds, as being reaſonable and the Cuſtom of all Nations, *Perſeus* of *Macedon* anſwered the Pretence the *Romans* gave out, when they wanted to take Occaſion of making War upon him, namely, that he made himſelf acceſſory to the Crimes of certain Delinquents, that had been baniſh'd from *Rome*, by admitting them to his Protection. Upon theſe Grounds he reaſons to this Purpoſe, that when they had withdrawn their Protection, and prohibited theſe Criminals from the Communion of their Country, to whatever State theſe Perſons, in theſe Circumſtances, betook themſelves, tendering their Service, that that State has a Right, if it pleaſes, to take them into its Protection. *Et hercule quid attinet cuiquam Exilium patere, ſi nuſquam Exuli futurus locus eſt* †? It was upon the ſame Reaſoning, though not with equal Juſtice, that Mr. *Knight*, who was arreſted within the Juriſdiction of *Brabant*, was not ſurrender'd to the Government of *England*.

If then in any of theſe Caſes, Subjects can thus withdraw from their Allegiance, they may become independent of that Sovereignty whoſe Subjects they were: And if they are independent of that Government, they are as much in a State of Nature with it, as one Kingdom is in Reſpect of another. And therefore in like manner, ſhould any Matter of Difference ariſe (between them) and give Cauſe to Arms, they may juſtly have Recourſe to Arms, and are entitled to all the Laws thereof, as much as one Nation is with regard to another. And if their Arms ſhould fail,

* Burnet's *Hiſt. of his own Times, Vol.* I. *page* 734—5.
† Livius *Lib.* 42. §. 41.

ought

ought to be treated no otherwiſe than Priſoners of War. For no one can have a Right (according to theſe Principles) to judge for them, or determine the Equity of their Cauſe; there can be no Appeal but to Heaven; and in that they have a Right to defend their Cauſe, even to the putting Life upon the Iſſue.

Thus theſe Principles, of a State, that founds its Eſtabliſhment in the Conſent of the Conſtituents *for the Purpoſes of Protection*, prove the Diſſolution of all Government. For by theſe Politics a Man, or a Number of Men, may find equitable ways to deſert, betray, or even ſubvert the Government of his Country, and be clear of all Imputation of Treaſon or Rebellion. So that the Duty of Allegiance, which you in Power wou'd have held in ſo high Regard, becomes a mere Thumb-band or Rope of Sand.

L. Craſſ. I confeſs all this is very ſpecious; and when enforced with that Authority, which your Character gives you amongſt us, is apt to perſuade: and in matters of leſs Conſequence, I ſhould rather miſtruſt my own Judgment than ſuſpect yours; but I think I ſee in your Reaſoning ſuch abominable Conſequences, the Seeds of perpetual War and Maſſacre, that I cannot but abhor them, even tho' I were not able to unravel theſe cunning Links of Sophiſtry, I call it ſo, becauſe you have endeavoured to diſtreſs us even with our own Conceſſions: but tho' you are pleaſed to found your Reaſoning on our Principles, yet when you hold them in another Light, when you throw quite another Colour on them, they can reflect that Ray only which they receive, and this with the more Luſtre on the blacker Ground. They are not the Principles of Confuſion but Order, yet you have intervove them with Anarchy; they are the only Ties by which a Man can be connected with the Government, ſaving all his Rights and Liberties; and the only Obligation that can hold him there inſeparably by his due Allegiance. For if a Man be once thus lawfully connected with the Community, no Claim in the World can diſſolve him from that Allegiance he bears to its Government; for the Communi-

ty

ty thence forward muſt have a Claim to him and his perſonal Service. And if he diſlikes the Meaſures of the Government, he has no way left to oppoſe them, but theſe formal ones, which the Community hath thought fit to eſtabliſh for the Security of its Liberty. Therefore while that Government ſubſiſts, all violent Attacks upon it, by any Part of the Community, can be deem'd nothing but Rebellion, and all Invaſions of its Rights, by any Part of it, can be reckon'd nothing but Treaſon.

Q. Scæv. I fancy I apprehend your Argument, namely, that while any People live under the Protection of the State, and enjoy the Rights and Privileges of the Community, any direct Act of that Party to the Violation of the State is abſolutely Treaſon: and the State has a Right to proſecute that Party, as Traytors. But this is not the Caſe here, nor to the Matter in Diſpute. The Point is, whether a Perſon is not born in a State of Nature and Freedom, and remains ſo 'till he ſhall by ſome Act of his own connect himſelf; and whether being thus connected only upon certain Conditions, The Conditions not being fulfill'd, he can again be diſengag'd.

The Caſe of the *Iriſh* Troops that have been found amongſt the unhappy Party in this late Affair, comes preciſely up to the Matter. They were not in Arms againſt the Government while they lived under the Protection of it. They were born indeed under the Juriſdiction of this Government, but it being a Government to whoſe Principles and Maxims (that is, to the Conditions by which they muſt be admitted to the full Protection of it,) they could not give their Conſent, they have accordingly never connected themſelves by their own Conſent to it, and therefore are not connected according to the Principles above. But having lived under a temporary Allegiance, as due to that Protection which they received by the Toleration of the Government, have ſome Time ſince reſign'd that Protection, and withdrawn from this Allegiance to the Government under which they were born; have put themſelves under the Protection of another,

ther, and they ſay it is now due to that State which ſupports, protects and maintains them; and they are accordingly obeying the Orders of a Government that maintains them, and are fighting the Battles of a Country that receives and ſupports them as its Subjects to fight their Battles. They are in the Pay of *France*, and therefore owe Military Allegiance to the Military Power; and as Soldiers muſt obey every Order, and act wherever they are commanded; Therefore, as they rightly ſay, you muſt either diſavow your Principles, or forego all Claim and Title to their Allegiance.

L. Craſſ. All this Confuſion and falſe Application of theſe Principles ariſes from our talking too crudely of a State of Nature, as the actual natural State of Man's Exiſtence prior to all Government: and of *Society*, as *an artificial Remedy ſuperinduced upon this State*, by every Individual's actual Conſent to redreſs the Perverſions of the natural Situation.

Thus the common way of conſidering this Point has been in the following manner: To know how Men came to be thus connected together, they have ſuppoſed a Time before they were connected at all, and then from examining the Circumſtances of this State, which they call a State of Nature, they have attempted to find out, what ſhould be preciſely and adequately the Cauſe, why Men left this independent State, and connected themſelves in Society or Government; and as there never really in Nature could be any ſuch State, every one have followed their own Fancies in deſcribing it. One Part have painted Mankind running about like Beaſts, feeding in the Fields, and dwelling in Caves and Dens; but of theſe ſome, as Mr. *Hobbs* and his Followers, have made them of the fierce and wild kind; while others rather treat them as tame and domeſtic. Another Part has drawn this Age as a Race of God-like heav'nly Beings, above the ordinary Wants and Paſſions of the preſent degenerate one; and indeed, as the Stagyrite ſays, if Man be taken out of his natural ſocial State, he muſt be ſuppoſed either a God or a Beaſt.

Now

Now I apprehend that this firſt ſetting out, has been the Cauſe of much Confuſion and wild Reaſoning in this Matter; for inſtead of examining what could be the Reaſon of ſuperinducing a Regimen or Government upon *the State of Society which is the real State of Nature*; they ſuppoſe this State to be independent of all communicative Intercourſe, and then ſeek for Reaſons why Men ſhould enter into Society or Government which they confound as the ſame Thing; whereas the true Method ſeems to me to be, to examine what is the real natural State of Mankind, and then from ſeeing why in ſuch a State they cannot poſſibly ſubſiſt without Government, the Reaſons will appear why they muſt neceſſarily connect and ſubordinate themſelves in Government. Whoever conſiders it in this manner will find, I believe, that the *ſocial State* or a *State of Society is the real State of the Nature of Mankind.* To ſeparate and diſtinguiſh the Ideas of what is commonly called a *State of Nature* and a *State of Government*, for the Purpoſes and Eaſe of thinking is juſt and ſcientific; but to argue from ſuch a State as an actual exiſting thing, and to refer to that as a Proof from Matter of Fact, is falſe and unphiloſophical. For Man is not, nor cannot be that wild random independent Being we talk of; but *Society, the political State, is the real natural State of Man.* Nor is Government a mere voluntary artificial thing, but eſſential to the Nature of Mankind.

That which is of Nature is the State of Nature; now that Man ſhould ſubſiſt by and exiſt in Communion is of Nature, therefore the Communion of Mankind is the State of Nature. For Man, whether we conſider him in every State and Circumſtance of Fortune thro' all the Stages of Life, if we look upon him an Infant groveling and crying upon the Ground, thro' Life, to that ſecond more helpleſs Infancy of old Age, we ſhall ſee him in all his Wants and Imperfections incapable of ſupporting and maintaining this ſtrange implicated Frame of Being, ſcarcely in one Inſtance, much leſs thro' all of them. Again. If exiſting in that Habitude of things, which is ſuitable to the Power and Properties of any Being, is its natural State, how

preciſely

preciſely ſo is COMMUNION *that State of Man?* All his Powers and Faculties are formed for that, all his Affections private, domeſtic and public, not only formed for it, but incite and drive us into it. There is a Principle of Attraction which we can no more reſiſt to hold ourſelves unconnected, than we could reſiſt that earthly one of Gravity to ſuſpend ourſelves in the Air. Nor is all this in vain and uſeleſs, *'tis the very Spirit of that Syſtem in which we do actually exiſt.* 'Tis that Spirit by which this Syſtem and our own Exiſtence muſt be preſerved. Man cannot ſubſiſt but by Labour, and tilling the Ground which is given for his Subſiſtence, and by working the Fruits and Produce of it: but all theſe things are connected in their Exiſtence, and their Properties are intervoven and run into one another: therefore in whatever Point Man labours, his Labour muſt connect him or deſtroy him.

But theſe are abſtruſe Matters and need a DIAGRAM.—Come to this Window—here he threw open the Caſements and we were entertained with the moſt noble and delightful Proſpect of a great Tract of Country that I ever ſaw, for the Houſe ſtanding juſt upon the Brink of a Cliff, we looked over a very extenſive Vale that formed a kind of Amphitheatre. Our Situation was ſo much above this Country, that, as if we were ſome ſuperior Beings, we could comprehend the whole at one View, and conſider the Parts of it (which if we were amidſt them would more than abſorb our Apprehenſion) as diſtinct and ſmall Portions. We could talk of large Fields of Paſture and Tillage, great Tracts of Plantations, and even large Towns, as of very ſimple diſtinct Ideas which we could eaſily manage.—So very fine a Sight occaſioned a Pauſe in the Converſation; but after ſome time *Craſſus* reſumed his Diſcourſe, and ſaid, pointing to a little Farm juſt at the bottom of the Hill; Do you ſee there that little Cottage juſt under us, here at the bottom of this Cliff? 'tis reckoned one of the prettieſt little Farms in the Country. You ſee, by that little Rivulet that paſſes thro' it, how well 'tis watered, and this Wood that gets up the ſide of the Hill here, belongs to it. That large Paſture

that

that is half encloſed by the Rivulet is eſteem'd a ſweet bit of Ground, as you may gueſs by its being ſo well ſtock'd; that fine Crop too which looks ſo yellow, and reaches a good way on by the Hill-ſide belongs to the ſame; beyond that, yon large Plain is its fen Meadow; and its home Grounds, ſee here juſt about it, thoſe Cloſes on the left Hand. And from that Garden Spot and Orchard juſt behind the Houſe, and the great Number of Poultry in the Yard, you ſee that it has every thing within itſelf.

You would ſay now that from Induſtry in this little Corner, might be ſerved not only all the Wants, but all the comfortable and pleaſureable Enjoyments of Life; and as Matters now ſtand, why ſo they may; and the Farmers that now live in it are, perhaps, the ancienteſt Family in the Country, for the *Mawers* have rented it, Father and Son, in Succeſſion beyond all Memory; and you ſee by its Produce, and the Condition of its Fences, that it wants no kind of Cultivation and good Huſbandry.—Well, but do you ſee yonder, as far as you can ſee, at the Foot of thoſe Hills (where that great River coming round enters the Proſpect)—towards the Right there—do you ſee ſomething as it were a Wart in the Horizon?—However circumſcrib'd within itſelf and independent this Farm here may ſeem, I can aſſure it is ſo intimately connected with yon almoſt inviſible Spot that it could not ſubſiſt, nor be what it is without it—If we had the Teleſcope here you would ſee that yon Spot is a *Minery*.—Now tell me how could this Farm be inhabited without Houſes or Hutts, or how could it ſupport its Inhabitants without Culture? But without Tools and Implements we muſt be reduced to digging Holes with our Nails to burrough in, and without the Implements of Huſbandry we muſt work, as well as eat, with our Teeth. 'Tis yon Spot that ſupplies the Materials for all theſe Inſtruments, and that Boat there that is coming round yon Reach of the River, is bringing them to that large Town to be made up. Now how do you think that vaſt Multitude of Inhabitants (the Noiſe of which we almoſt hear hither like a humming) can be ſubſiſted, but from that great Tract of Country which

lies

lies round it? So that you ſee this little Spot here is ſo far from being independent, that its Intereſt, its Subſiſtence, is intervoven with the greateſt, the moſt diſtant Parts of this vaſt Tract of Country. But was I to purſue this Conſideration further, thro' all the ſeveral, various, intermediate and collateral Connexions, you would ſee that not only this Spot and its Inhabitants, but every the remoteſt, the beſt and worſt are all ſo inſeparably connected and link'd to each and the Whole, *that there is* ONE UNINTERRUPTED CONCATENATION *of a one Intereſt and Exiſtence of the Whole.* If we were to conſider thoſe whoſe Care is the bringing forth, and producing, and nurturing the ſeveral Products and Fruits of the Earth both internal and external—Next thoſe who work them up through all their innumerable Variety of Frames and Faſhions, to the almoſt infinite Uſes and Purpoſes of Mankind—then all thoſe who prepare and make the Tools and Inſtruments for thoſe to work with—how theſe connect and are connected with the Whole—then thoſe who dig and work the Materials of Which theſe are made—and then thoſe who diſtribute and vend all to the Conſumer — and laſtly the Means and Method by which all this Intercommunion and Commerce is carried on —Were we minutely to conſider all theſe Links of which theſe are only the Heads, you would look upon this Landſkip before us as one great intricate and exquiſite Piece of Mechaniſm; which by an almoſt infinite Number of ſubordinate Powers, all ſeverally connecting and connected to each other, all together conſpiring to the one univerſal Movement of the Whole, directs its Operations to the nobleſt Purpoſes, the Support and Welfare of Mankind.

Thus we ſhould ſee Man not that diſtinct independent Creature, but how every Individual is link'd in with each other and the whole Community. We ſhould ſee that all Mankind are, as *Charôndas* calls them, Meſſ-mates and Fellow-boarders. —— But theſe are dry Matters before Breakfaſt, and there is no End of them.

The *Mythologiſts* ſet it in a more eaſy and lively Form; they ſay that *Jupiter*, after he had ſeized his Father, and had taken upon

himſelf the Government of the World, came down to Mount *Ida*, or the Peak of ſome high Mountains whoſe Heads are above the Clouds, from thence (as we may do from this Cliff) to ſurvey his Kingdom. But whether it had ſuffered any Violence in the late Revolution of Nature, or he had been miſinformed, is not clear; however inſtead of that fertile fruitful teeming Earth, flowing with Milk and Honey, inhabited by a Race of Men living in Peace and Plenty, feeding on the ſpontaneous Produce of the Earth, and ſleeping on Carpets of Flowers, inſtead of ſuch viſionary Scenes of Nonſenſe, he found it wild, over-run with Weeds, a Land of Thorns and Thiſtles; and Mankind as wild as the Country, and near as ſavage as the Beaſts of it. In ſhort he found Nature in a diſtracted diſunited State; exiſting at Random and by Chance; and going by piece-meal, one part after another, to Wreck and Ruin; and Chaos gaining upon his Empire every Age. In that Inſtant he took from his Girdle that *golden Chain* eternal and infinite, with which he holds all Things, and poured it forth in an inviſible ineffable Manner through every Power and Mode of all Exiſtence, ſo as to interweave the Eſſence of every Creature into one another, and to connect them all, ſo that they could not exiſt, but by and in Communion with one another. And thus this Communion of Society is *founded* on that univerſal Law of Nature, by which all things, as in ſome golden Chain, are connected and united, upheld and maintained in one Syſtem and Co-exiſtence.

Being all thus linked together in one Communion, in one common Intereſt, they may be properly ſaid to be a Society, a People; but yet having no natural Principle of acting as one Whole, they are in a natural Incapacity of managing this common Intereſt: Therefore his next divine Thought was to lay open before the Eye of their Reaſon ſo much of the *Rationale* of this myſtick Chain, as to inſtruct them how they ought to frame and ſubordinate each amongſt themſelves, as to put on a Form capable of ſuch Principle; that there might be ſome one determinate Method, by which this indeterminate and diffuſive Power might be capable to exert itſelf, as the Power of one

Body,

Body, one Whole. And this Form is what may be called *Impire* or Government. And thus, ſays *Plato*, Polity is the Care of the Communion of Mankind *.

Q. Scæv. This golden Chain that *lies thus open to the Eye of Reaſon*, may be, for ought I know, very reaſonable, but I want to know *what actually could determine theſe Connexions and Subordinations to be ſuch as they are.* What could determine this our Legiſlator (for ſo likewiſe we will call thoſe Chances and Viciſſitudes of things by which Governments have been brought about) What could determine *this Legiſlator* to divide the Multitude into the Governed and Governor, and to place the Power of Government in any one Part rather than another? Whence aroſe that Authority and Influence with Power to ſupport and maintain it? I know many, like ſome rough reaſoning *Brennus*, would throw the Sword into the Scale, and ſay, That only ought to turn it. But how came *Brennus* by the Direction of this Sword? How came about thoſe Connexions and Subordinations, by which that *Impire* (which he hath at the Head of the States Forces) was formed? So again we return to the ſame Queſtion, What is that by which we can preciſely ſay, that the Balance of Power does actually preponderate to this or that Side, and what can be the Matter of ſuch Balance? It cannot be meer brutal Strength or Force; for if ſo, *Caligula*'s Horſe had as good Right to the Conſulſhip of *Rome* as his Maſter.

L. Craſſ. Either my own Heedleſsneſs, or your Artfulneſs has drawn me in to preach and dogmatize like any bearded Sophiſt; but I wiſh with all my Soul our good People would come down to Breakfaſt, and ſpoil this Sport, for I am quite ſick of myſelf. But if there is no Help for it, I muſt go on. ——Well, to take up again the Philoſopher.

* Ἐπιμελεία ἀνθρωπίνης συμπάσης κοινωνίας.

The Poſſeſſions of this Earth, or thoſe things with which a Man muſt be cloathed and fed, conſiſt of the Products of the Land cultured and manufactured. Theſe become a Man's either by his having acquired ſome Land, or where by being allowed to employ his Labour on another's Land, he has a certain Share in the Products of ſuch Land. This muſt naturally divide Mankind into two Sorts of Inhabibants, the Landholder and the Labourer. Of which any Body, that ſees the Courſe and Viciſſitude of human Poſſeſſions, will eaſily know the latter muſt be the Many, the other the Few; and that the Many muſt neceſſarily be dependent, and under the Influence of ſuch Few: And that theſe Few likewiſe muſt be under certain Connexions and Dependencies amongſt one another, in Proportion to their Intereſt amongſt one another, and their greater or leſs Influence over the Many. And to this Purpoſe we read in *Ariſtotle*; If the Government be thus ſuppoſed to be founded in the Balance of Property, each Part of it will have a Share of ſuch Government in Proportion to his Property. For of an hundred *Minæ* it can never be, that he, who only contributes one, ſhould have an equal Share in the Diſtribution with him that bears all the reſt of the Dividend, neither in the firſt Conſtituents of Government, nor in their Succeſſors the Subjects of the ſame *. This Balance of Property can alone be (where there is no Violence done to the Vigor of natural Principles) the Matter or Ground of a Balance of Power, as we have a moſt illuſtrious Fact in the moſt ancient Account of the *Egyptian* Empire, which was ſettled by *Joſepeh*, as it remained to the Days of *Diodorus Siculus*. *This* BALANCE OF PROPERTY *can be the only firſt, natural, real and permanent Ground of thoſe Connexions and Subordinations which form an Impire*; however variouſly Authority may afterwards build upon it by Intrigue. Such who think it ſufficient to account for this *ſecondary* Principle, may ſee the beſt Account of it in one of Sir *William Tem-*

* Εἰ μὲν γὰρ τῶν κτημάτων χάριν ἐκοινώνησαν καὶ σύνηλθον, τοσοῦτον μεθέξουσι, ὅσονπερ τῆς κλήσεως——οὐ γὰρ εἶναι δίκαιον ἴσον μεθέξειν τῶν ἑκατὸν μνῶν τὸν εἰσενέγκαντα μίαν μνᾶν, τῷ δόντι τὸ λοιπὸν πᾶν, οὔτε τῶν ἐξ ἀρχῆς, ἔτε τῶν ἐπιγινομένων. *Ariſt. de Repub. Lib.* 3. *cap.* 9.

ple's

ple's Eſſays on Government. But this Balance of Property is the original real Foundation, and in Proportion to the various and ſeveral Aggregations of it, this *Impire* muſt put on its various Forms.

But further, whoever have taken upon themſelves the Legiſlator (either in Speculation or in Practice, in Treatiſe or in Fact) have failed or ſucceeded according to their Attention to this Point. For this is a Thing really exiſting, and can moreover only exiſt as it hath its Foundation in Nature. For whoever hath attempted to frame and model it *artificially* to their own Schemes, inſtead of building upon it as a Foundation exiſting in Nature, have all found their Schemes *Utopian* and their Legiſlature abortive.

All the leſſer Politicians who have written of theſe Matters, have never ſo much as dreamt of this; and many who have had an Eye to it have ſo nodded about it, that they have always treated it as an artificial thing, which was to be framed and modelled even any how, juſt as beſt ſuited their Hypotheſes. The firſt that applied this Doctrine to Politics, was PHALEAS of *Chalcêdon* *, and his Syſtem was, that all Eſtates ſhould be made equal, and all Degrees levelled in a free City, and that there ſhould be an open Intercommunion eſtabliſhed amongſt all and every Citizen. The next that we know of, is HYPODAMUS the *Mileſian*, who in his Treatiſe of Politics, would model this Foundation into three artificial Parts, and upon theſe form his three Kind of Citizens and their ſeveral Natures, the Huſbandman, the Handicraftman, and the Military Order.

But there is one Miſtake which runs through all theſe *Utopian* Levellers, and which they take up one after another even down to Sir *Thomas More*. And it is this. They ſee the natural Connexion that there is between the Balance of Power and the Balance of Property, but think this Balance is a meer artificial Thing, and muſt owe both its Nature and Exiſtence to the Wiſdom of the Legiſlator, not at all

* Δοκεῖ τισι περὶ τὰς Οὐσίας εἶναι μέγιστον τεῖχθαι καλῶς—διὸ Φαλέας ὁ Χαλκηδόνιος τεῖ ἰσότητι πρῶτος. *Ariſt. de Rep. Lib. 2. cap. 7.*

conſidering

conſidering the moſt intimate Connexion there is between this and Nature, that is the Nature of the Country and People where it is found. It is this Conſideration which diſtinguiſhes the *Utopian* from the Politician: And it is this which diſtinguiſhes the great Mr. *Harrington* from theſe Wild-ſhavers. He ſays indeed, as do all the beſt Writers, that this Balance is to be rectified and regulated by the Hands of the Legiſlator or Miniſter: But that it has its Foundation in Nature, in the Scite and Circumſtances of the Country and People. And though the Government of his *Oceana* may appear in ſo queſtionable a Form; yet as he all along ſuppoſes it to be built on ſuch a Foundation, as where the Balance of Property is in the People, and ſays it can be only true and right as that is Fact or not, we can only condemn it when we know, whether at the Time in which he wrote, there was ſuch a Balance or not in Favour of the People. But if he had been alive at this Day, he could have ſhewn from the ſame Principles, upon which his *Oceana* is founded, that the Conſtitution of our preſent State is founded in Truth and Nature, and therefore legal and right; becauſe his Principles are no viſionary ones of Fancy, but drawn from Nature and Fact.

And further, free Governments muſt not only be founded, and originally conſtituted upon this Balance, but muſt be adminiſtered likewiſe upon theſe Principles. However the Forms of Government may have *aroſe* upon this, it is from this alone that they can take their Policy. For wherever the landed Property is, there will (unleſs there be ſome unnatural factious Violence againſt the Vigour of theſe Principles) be alſo the Power.

Now in an induſtrious trading and free Nation this naturally will be often ſhifting and changing Hands. Thus, ſays *Plato* *, come about the Revolutions and Changes of Power in a Government. And thus, for Inſtance, the Democracy gains upon the Few. " While " the young Nobles, attending to nothing but their Pleaſure, indulge

* De Repub. *Lib.* 8. *p.* 555. *Edit.* Serrani.

" in

" in every Extravagancy of Expence, the People partly by Purchaſe, " and partly from eating into their Eſtates by Uſury, buy them out " more and more every Day, and every Day become more rich and " more powerful, till the whole Balance ſhall have ſhifted into their " Hands." Now while the old Poſſeſſors who have parted with the Land are unwilling to part with the Power that hath lain ſo long in their Hands, ariſe thoſe Struggles which are the only real Parties in a free Government. But verily at laſt the Power muſt follow too. And then thoſe old Families who formerly had it, think the Conſtitution corrupted, and the true Balance deſtroyed. And, as in all wiſe and free States, there will be a mutual Connexion between the Men of Property and the Government, this will naturally give Riſe to theſe old Conſtitutioniſts to conſider the Government and Country as in two different, if not direct contrary Intereſts. This has been eminently the Caſe in all thoſe great Shiftings of Property that have happened in this Kingdom: As at the Time of the Reformation, when Trade firſt began to flouriſh, and the Commonalty to grow Conſiderable: and it was upon the Humour that took Riſe from a like Occaſion not half a Century ago, that the artful Author of *The Diſſertation on Parties* has engrafted that invidious and miſchievous Diſtinction of *Court* and *Country Intereſt*.

Now if we conſider thoſe Struggles and Parties that happen in a free Government, by theſe Principles; we ſhall have no Reaſon to make ſuch Governments conſiſt of ſuch heterogeneous Stuff, as different and diſtinct Intereſts. For whatever real Parties there can be in a free Government, they can only ariſe from the changing and ſhifting of this Balance while the Power is getting into other Hands than where it was before; but wherever it goes, if it be no further extended, and no otherwiſe founded, than on the Balance of real Property, it is equally legal and true, be it in the Hands of the Many, the Few, or even One. But wherever there is any popular Tumult on one Hand; or Cabal of the Few, or Tyranny of the One, on the other, that aims to do Violence to the Vigor of theſe natural

Principles;

Principles; ſuch Party becomes a Faction; and it becomes the Duty of every honeſt Man to oppoſe it with all his Might, and with all his Strength to endeavour to cruſh ſuch Faction.

Upon this Balance have all Governments that have been able to ſubſiſt and maintain themſelves been formed or aroſe. Whether they have been formed at once where ſome *good and great Man* has ſhewn the Community this Balance, and formed and faſhioned their ſeveral Connexions and Subordinations accordingly: as thoſe of *Crete*, *Lacedemon* and *Carthage*: or where by degrees and length of Time, fluctuating by all the Changes and Chances of Fortune, thro' all the Viciſſitudes of Time, and revolving from one Extreme of utmoſt Hazard and Ruin to another, from being tried and experienced in every Evil that can be ſurvived, *The People* themſelves have come, as it were, to feel it out; as in *Athens* and *Rome*.

The conſidering the Matter in this or ſome ſuch Light would free this Subject from all the Difficulties and Objections with which it is attended. For you ſee by this how every Man is even from his Birth, and in that State of Nature which we talk of, ſo connected to the Community, that his Attachment is indiſſolvable but by the Diſſolution of the Community; and you perceive how all thoſe Ties by which he is connected and ſubordinate, ſpring naturally one from another to the utmoſt Strictures of Government, and yet all conſiſtent with that Liberty, which is conſiſtent with the natural State of Man, the Social. But it yet remains, whether upon the Application of theſe Principles to the *real Exerciſe and Adminiſtring* of Government, whether they will be found throughout conſiſtent with that true Policy which is founded in Liberty. For if theſe be true you may ſee that a Subject is inſeparably connected with the Government: but how this can be, and how it can be conſiſtent with Liberty, muſt remain a Doubt.

Q. Scæv. But it muſt not remain ſo; I own I ſhould be very glad to ſee a fair Plan of your Reaſoning; and not only a Plan, but rather an intire Structure of your Syſtem: it would give me great Satisfaction

to

on to ſee how theſe Doctrines hang together; and I ſhould be heartily pleaſed to reconcile your Principles and your Politics.

L. Craſſus. As nothing would give me greater Satisfaction than to vindicate myſelf to one of your Judgment, I will endeavour to do it; but, if it is to be done by framing Hypotheſes and building Syſtems, neither my Abilities nor my Inclination will befriend me. I had once occaſion to be pretty much with ſome of thoſe *Iriſh* Officers in the *French* Service (whoſe Caſe we juſt now mentioned) I had frequent Opportunity of converſing freely with them; and this very Subject, amongſt many others, was a Topic of our Converſation: there was amongſt them a Perſon of Spirit and Learning; and I freely own that theſe very Arguments, which you now uſe, he would urge with ſuch Force, and under Colour of ſuch enlarged Benevolence, that, half charmed with the Appearance of his Humanity, I have been often dazzled with the Speciouſneſs of his Reaſoning. And, as it was a Subject I had but little conſidered, I could little anſwer his Arguments. However, I was very careful to remember them, and even to write them down. And ſince that Time I have been led into a Chain of Reaſonings on this Subject, that endeavour to avoid theſe Difficulties, and to ſettle preciſe Ideas of Communion, Society, and Government; and that Relation there is between the Government and Subject. Which if you think it worth your while to hear, you may; ſo if you like it, after Breakfaſt we will retire into the Study.

PRINCIPLES OF POLITY.

PART II.

Q. Scævola.

ACCORDING to our Appointment, *Scævola* takes me up with him after Breakfaſt, into the Study, where we found our Friend *Craſſus* ſorting an Heap of looſe Papers, and turning over, and doubling down the Leaves of a ſtrange Number of Books: I muſt own, that, beſides the Diſguſt I immediately conceived from ſuch a loaded Table as I here ſaw, it could not but make occur to me that ſtrange literary Affectation, which ſo over-

runs ſome of themoſt ingenious Books of this Age. Well, *Lucius*, ſays I, we ſee you are preparing to receive us: And, tho' you modeſtly declined the Building of Syſtems, I ſee you are reſolved to intrench yourſelf, and ſecure your Poſt, by building this Barricado of Quotations and Authorities.—But, for Heaven's Sake, why all this?—I confeſs for my Part, that when I am in the Company of my Friends, and thoſe ſuch as have Spirit enough to advance ſome new Point of Converſation, and Senſe enough to guide it, I had rather hear your own Sentiments, in the plain friendly Language of your own Heart, than hear you repeat thoſe of another in however ſcientific a Manner. All the Uſe that I know of ſuch Materials is, either to illuſtrate or confirm: But, where a Man has a juſt and true Taſte, he will ſhow it more by treating a Subject in a natural, eaſy, and plain Manner, than by all the Richneſs and Embroidery of Quotations: If he is not ſufficiently Maſter of his Subject to explain it from his own Thoughts, he never will be able to do it from thoſe of another: And for Matter of Authority, if that may ever lawfully be uſed, there can be none more winning than that of a reſpected Friend.

L. Craſſ. Believe me, I am as averſe from this falſe Parade as you can be; but in Matters of this Nature, where any moral or civil Reaſonings are endeavoured to be explained, as conſequential upon ſome prior Syſtem, whoever aims to make a Draught of that State or Syſtem, will always lie under the Suſpicion of being viſionary and hypothetical: As I dare ſay, if the Truth was known, you thought our Converſation before Breakfaſt had too airy an Appearance. Therefore, in conſidering this Subject, I have endeavoured to make ſuch an *actual Survey*, as may obviate all ſuch Objections; and theſe two or three Places that my Papers refer me to, are, if I may ſo call them, the Bearings and Soundings of this Chart. So that I hope to be able to demonſtrate the Thing from the *actual* State of the Caſe. However, before we proceed any further, let us look back and ſee how far

(from

(from what we were able to ſettle between us) we are already advanced.

If I rightly recollect our Converſation, it hath appeared to us from Fact, by Inſtances and Examples of the ſeveral Reaſonings and Arguments in common Uſe, that the Principles of the Doctrine of an original Contract have been miſunderſtood, and miſrepreſented, as well by thoſe who affected to maintain them, as by thoſe who profeſſedly oppoſed them; and this in every poſſible Caſe that can be ſuppoſed, and in every Uſe to which they can be applied: Whence all that falſe Policy, that calls Factions and Parties, and Checks, and independent Intereſts, and ſuch Stuff, Conſtitutional. And the Method in which the Subject aroſe to our Conſideration, whether naturally or from my Friend *Quintus*'s Artifice I don't know, was by our reviewing the Circumſtances of the Origin of this Contract in all thoſe Points of View, which the Logicians would call the four Cauſes of it's Exiſtence, the Material, the Formal, the Efficient, and Final. We found it miſrepreſented in its Conſtituents, when the Contract is any how explained as an Alliance between King and People; whereas it is AN UNION OF EVERY INDIVIDUAL IN ONE COMMUNITY. We ſaw that its very Frame and Conſtitution is perverted, when it is ſaid to conſiſt of ſo many different and diſtinct Intereſts, allied together by voluntary Contract, an *artificial Form* made and inſtituted at the Will of the Legiſlator; whereas it is found to be an ACTUAL NATURAL SYSTEM, ariſing from the Vigor of natural Principles. We ſeemed likewiſe to agree, that the efficient Reaſon, which is referred to as the Cauſe of Government, is miſtaken, when it is repreſented to be *the Fear of external Violence*; whereas it appeared to us, not to be *Impulſive*, but ATTRACTIVE. We ſaw too that it's End and Deſign is abſolutely deſtroyed, when Protection ſimply is repreſented as the final Cauſe of it; and that ſeveral Actions abſolutely inconſiſtent with the Being of Government at all were defenſible on ſuch Principles. We obſerved likewiſe how theſe Errors and Conſe-

quences

quences arose from the unphilosophic Manner of explaining this Subject by an artificial Theory; whereas I endeavoured to shew from an actual Survey of the moral and civil System, that there is a one uninterrupted Concatenation of a one Interest and Existence of the Whole. And that thus *Communion, or the social State, is the real State of the Nature of Man: And that Government is a still further Progress of this System, as it arises, by Ways and Means consistent with all the Rights and Liberties of Man, from the Vigor of natural Principles*; which Principles, I hinted, were the Doctrine of the Ballance of Power arising from the Ballance of Property, determined by the Scite and Circumstances of each Community.

Q. Scæv. You must not be surpriz'd, that I here differ from you: For so very perplex'd are all Reasonings in mixed Modes, such as moral Disquisitions, either from the complex Nature of the Terms, or the infinite Intricacy of managing them, that we can scarce, in the most simple, arrive at any Certainty of Conclusion. Not that the Things are less capable of Demonstration, than those Truths which are call'd Mathematic, but that they are infinitely more difficult, and our limited Capacities scarce equal to the Task. While I followed you in the Course of your Analysis, and readily assented to every Advance of your Argument, I did, without Hesitation, follow you to your Conclusion: Yet, when I would recollect it, and fix it in my Mind, I find myself led quite another Way, by the same Principles: And those Imperfections and Affections which, you say, lead Man to communicate in Society, and those Connexions which, you say, make him subsist by Communion only, seem to me the very immediate and necessary Reasons of superior Authority, and the very creating Cause of that Subordination, and which naturally constitutes and terminates in the Dominion of one. For, if I look upon Man in a State prior to Government, in what may be called a State of Nature, whether, as you say, that be a State of Communion or Society; or,

as

as it is uſually apprehended, a State of abſolute Independency: I ſee that Mankind cannot ſubſiſt and maintain even this independent Exiſtence, but by the univerſal Practice and Exerciſe of that Law of Reaſon and Equity, which ſhall be a common Meaſure and Canon to them in their ſeveral Interferings with each other. Which Law cannot thus exiſt to that Effect, but by the Activity of ſome common Arbitrator, who hath Power and Authority to enforce its Execution: For in every Caſe, where two Parties may be ſuppoſed thus to interfere, there will be an Appeal to this Law, not in the abſtract Rules of Reaſon, but to ſome one Third, who ſhall be Adminiſtrator and Executor between them of this Law. So that you ſee their Paſſions and Affections are ſo far from working them into Communion and Society, that they bring Mankind into ſuch a State, as makes neceſſary and authorizes the Government of ſome common Adminiſtrator of Juſtice; and therefore naturally ſubordinates them to this ſupream Authority: And conſequently, to uſe your Method of Expreſſion, Mankind is thus by Nature divided into the Governed and Governor, who has in his Hands the Exerciſe and Authority of the Law of Juſtice and Equity. We find ourſelves without this a mere Multitude, a Rout, blind and inactive: This therefore we ſeek, and this God has given us in his Miniſter, ſet over us for our Rule and Governance, to protect and actuate us: This, and this only, we ſeek in Society, and thus far our Principles naturally lead. —— "As "therefore (ſays *Ariſtotle*) that which, in all Arts and Sciences, is the "ſupream Good ariſing ultimately from them, is their reſpective "End, ſo in the Art of Government, which is the ſupream Science "of Man, that which is the ultimate ſupream Good of Man, muſt "be its End; and thus the civil ſupream Good is the Exiſtence of "Juſtice and Equity *." And in this Manner having ſhown a little

* Ἐπεὶ δὲ ἐν πάσαις μὲν ταῖς ἐπιστήμαις καὶ τέχναις ἀγαθὸν τὸ τέλος, μέγιστον δὲ καὶ μάλιστα ἐν τῇ κυριωτάτῃ πασῶν· αὐτὴ δ' ἐστὶν ἡ πολιτικὴ δυνάμις· ἔστι δὲ τὸ πολιτικὸν ἀγαθὸν τὸ Δίκαιον. Ariſt. de Repub. Lib. 3. cap. 13.

"above,

above, that there can be no other End or final Clauſe, he goes on: " 'Tis therefore apparent, that a Government does not become ſuch " by any Communion of Place, or from its being model'd into a " Fortification againſt Violence, or from any Intercommunity what- " ever. Theſe are not the Eſſentials, without which it would not " be a Government; but yet 'tis neceſſary that theſe be in a well re- " gulated State: Yet, if all theſe ever were inherent in a Community, " it is not ſtill, for all that, a Government; but then only it becomes " ſuch, when it is eſtabliſhed on ſuch a Communion of Juſtice and Equi- " ty, as is productive to its Subjects of a Life free and happy in every " Reſpect, and ſo abſolutely and compleatly ſuch, as is not attain- " able by any other Means. So that the true preciſe End of civil So- " ciety is the abſolute compleat happy Being, ariſing from the Ex- " iſtence of Juſtice and Equity in its full Vigor: And thus civil So- " ciety is created for the Support and Carrying to its utmoſt Vigor " the Law of Juſtice and Equity, of the Purpoſes of the perfect " happy Being of the Community. He therefore, who is productive " to the Community of the greateſt Portion of this End, partakes in the " greateſt Share of the Community, in a greater Proportion than ſuch, " who being equal in Birth, Nobility, or Riches, or even ſuperior, " if ſo be they are inferior in this political efficient Virtue *".

To the ſame Concluſion doth *Plato*, from his State of Communion, bring his Policy, very gravely deducing the Reaſon of their Democracy and free State from the actual equal Birth of every Indi-

* —— Φανερὸν τοίνυν ὅτι ἡ πόλις οὐκ ἐστὶ κοινωνία τόπου, καὶ τὸ μὴ ἀδικεῖν σφᾶς αὐτοὺς, καὶ τῆς μεταδωσέως χάριν· ἀλλὰ ταῦτα μὲν ἀναγκαῖον ὑπάρχειν εἴπερ ἔσται πόλις· οὐ μὲν οὐδ' ὑπαρχόντων τούτων ἁπάντων ἤδη πόλις, ἀλλ' ἡ τοῦ ἐυζῆν κοινωνία, καὶ ταῖς οἰκίαις, καὶ τοῖς γένεσι, ζωῆς τελείας χάριν καὶ αὐτάρχους. —— τέλος μὲν οὖν πελέως τὸ ἐυζῆν, ταυτὰ δὲ τοῦ τέλους χάριν· Πόλις δὲ ἡ γενῶν καὶ κωμῶν κοινωνία ζωῆς τελείας καὶ αὐτάρχους· τοῦτο δὲ ἐστὶν ὡς φαμὲν, τὸ ζῆν εὐδαιμόνως καὶ καλῶς· τῶν πραξέων ἄρα καλῶν χάριν θητέον εἶναι τὴν πολιτικὴν κοινωνίαν, ἀλλ' ἢ τὸ συζῆν. διόπερ ὅσοι συμβάλλονται πλεῖστον εἰς τὴν τοιαύτην κοινωνίαν, τούτοις τῆς πολέως μέτεστι πλεῖον, ἢ τοῖς κατὰ μὲν ἐλευθερίαν καὶ γένος ἴσοις, ἢ μείζοσι κατὰ δὲ τὴν πολιτικὴν ἀρετὴν ἀνίσους· ἢ τοῖς κατὰ πλοῦτον ὑπερέχουσι κατ' ἀρετὴν δ' ὑπερεχομένοις· *Ariſt. de Repub. Lib.* 3. *cap.* 9.

vidual

vidual in the Origin of it. * " The Reaſon of our Polity (ſays he) " is the Equality of our Birth. Other Cities have been made up of " Men unequal and different in their Rights and Claims, whence " thoſe iniquitous Politics of Tyranny and Oligarchy, whilſt they " conſider'd one another, ſome as Servants, ſome as Lords: But we " and ours, being equal Brothers of one common Mother, hold it " unnatural and an Indignity, that we ſhould be to one another either " Lords or Slaves: And the Equality of Birth, according to Nature, " directs us to the Equality of Rights according to Law; and we " know no Precedency but in the Eſtimation of Wiſdom and Vir- " tue."—And therefore, as *Salluſt* the Philoſopher ſays, † where all Things are under the Influence of Reaſon, and under the Authority of the *One Beſt*, there is the true Empire or Government. And thus it appears from this univerſal Execution of the Law of Juſtice and Equity, become neceſſary to the Intercourſe of Mankind, I ſay, from the univerſal common Influence of this to all on one Hand, and from the Neceſſity of each appealing to this on the other, ariſes that univeral Connexion of all under this one Band common to all, whence Community or Society; and, from the Neceſſity of Authority to actuate this, ariſes the Empire of Government. So that, if we conſider this Matter only, as it reſpects the Riſe and Origin of particular Governments, we find, 'tis not the Ballance of Property in the Communion that gives this civil Authority, but there only will it be

* Αἰτία δὲ ἡμῖν τῆς Πολιτείας ταύτης, ἡ ἐξ ἴσου γένεσις. αἱ μὲν γὰρ ἄλλαι πόλεις ἐκ παντοδαπῶν κατασκευσαμέναι Ἀνθρώπων εἰσὶ καὶ ἀνώμαλων ὥστε αὐτῶν ἀνώμαλοι καὶ αἱ πολιτείαι Τυραννίδες τε καὶ Ὀλιγαρχίαι. Οἰκοῦσιν ἔν ἔνεσι μὲν δούλους, οἱ δὲ δεσπότας, ἀλλήλους νομίζοντες. ἡμεῖς δὲ καὶ οἱ ἡμέτεροι, μιᾶς μητρὸς πάντες ἀδελφοὶ φύντες, οὐκ ἀξιοῦμεν δοῦλοι οὐδὲ δεσπόται ἀλλήλων εἶναι. ἀλλ' ἡ ἰσογονία ἡμᾶς κατὰ φύσιν ἰσονομίαν ἀναγκάζει ζητεῖν κατὰ νόμον, καὶ μηδενὶ ἄλλῳ ὑπείκειν ἀλλήλοις, ἢ Ἀρετῆς δόξῃ καὶ φρονήσεως. *Plato Mænexenus, Edit. Sarraci. Tom.* 2.

† Καὶ αἱ Πολιτείαι δὲ κατὰ τὴν τριμερείαν γίνονται τῆς Ψυχῆς ἐοίκασι γὰρ οἱ μὲν Ἄρχοντες τῷ λόγῳ, οἱ δὲ στρατιῶται τῷ θυμῷ, οἱ δὲ Δῆμοι ταῖς ἐπιθυμίαις. καὶ ὅπου μὲν κατὰ λόγον πράττεται τὰ πάντα, καὶ ὁ πάντων ἄριστος ἄρχει Βασιλεία γίνεται. *Salluſt. de Diis & Mundo, cap.* 11.

equitable

equitably and truly ſettled, where, as *Ariſtotle* ſays, it is put into his Hands, who in the Influence and Actuating the Law of Juſtice and Equity (the true efficient Ballance) is extended over the greater Portion of the Community.

But if we truly and ſeriouſly conſider this Point, by a preciſe Analyſis of the Principles on which it is founded; we ſhall find that there cannot be, on this Suppoſition of a Communion, in whatever Manner explain'd, any ſuch Beings exiſting together at the ſame Time, as diſtinct and independent Governments; but that all Communities and Societies, of whatever Denomination, muſt all be connected, and reſpectively ſubordinate to the one Empire, founded on the one univerſal common Connexion of the whole Syſtem. For what is there that ſhall define where the Intereſt of any particular Community ſhall end, and ſhall firſt ſtrike off that Intereſt from the univeral common one of Mankind? And what ſhall be the Barrier to theſe thus ſeparated? That we may ſay thus far is their Intereſt extended, and no farther. There can be none but Force, and this again recurs to Protection; for the leſſer and weaker States are equally liable to the Oppreſſion of the greater, as private ſingle Perſons to the Injuries of their Neighbours; and therefore the ſame Reaſon, that forms leſſer and private Communities, remains till all be under the univerſal Dominion of one. There can be no Security or Peace but here; on the Face of the whole Earth there will be nothing but War and Bloodſhed; and the Hiſtory of Mankind can be nothing but Slaughter and Maſſacre, till, by the Union of Part, the Ballance ſhall be deſtroyed, and, the ſtronger drawing the leſſer into the Sphere of its Power, all the Earth ſhall flow together into the ſame Maſs, and all be united under one univerſal Monarchy; where the Intereſt of all Mankind ſhall be under one and the ſame Influence, and where there can be no foreign Power to invade or moleſt it.

Here

Here *Craſſus*, very ſanguine to reply, bluſh'd and heſitated ſo much, that it ſeem'd he was more willing than prepar'd to anſwer: However, after ſome Recollection with himſelf, he ſaid: How much eaſier it is to follow any Diſquiſition, even in Matters of the abſtruſeſt Nature, than to diſenvelope the Perplexities that ariſe from the Objection of the minuteſt Matter? And if this Method of reſpectively anſwering every particular Objection, inſtead of laying down the true Theory, by which they may be all reſolved, hath been found to obſcure and confuſe thoſe Sciences, which treating only of the Modes of Number and Figure, from the Certainty of their Concluſions, are call'd Mathematic *: How much more ſo muſt it totally confound that Diſquiſition, where the Subject is to be conſider'd in all the Modes, Degrees, Complexions, and Combinations of Quality, which ſcarce in the ſimpleſt Caſe has any Standard, Meaſure, or Idea?

† Altho', in the Courſe of my Analyſis, I might have been able to point out, from the real State of the Caſe, that no ſuch Conſequence, as your Objection ſuppoſes, can follow from the true Syſtem of Things; yet it is very difficult, and almoſt impoſſible, before ſuch Explication, to ſay preciſely where lies the Agreement or Diſagreement of ſuch a Caſe to the real State of Nature: Therefore I will here only in general obſerve, that if you apprehend that Communion, upon which you have built your Objection, to be the ſame with that which I have endeavour'd to explain, you quite miſapprehend the

* As was the Caſe in that Diſpute which aroſe between the foreign Philoſophers and the *Engliſh*, from the Objections that Mr. *Leibnitz* contrived againſt Sir *I. Newton*'s Theorem for eſtimating the Momentum of Bodies, from the Perplexity of which Objections, Anſwers, and Rejoinders the moſt ſimple Theorem became almoſt inexplicable, till it was reduced back to its original fundamental Principles. But ſtill the Confuſion was ſo great, that ſome even yet have not been able to diſenvelope it of its Obſcurity.

† Ἀλλ' ὅμως ἵνα μὴ ἀναγκαζώμεθα πάσας τὰς τοιαύτας ἀμφισβητήσεις ἐπεξιόντες καὶ βεβαιούμενοι ὡς οὐκ ἀληθεῖς ὄσας μηκύνειν, ὑποθέμενοι ὡς τάδε οὕτως ἔχοντος, εἰς δὲ τὸ πρόσθεν προϊῶμεν, ὁμολογήσαντες, ἐάν ποτε ἄλλη φαίνῃ ταῦτα ἢ ταύτῃ, πάντα ἡμῖν τὰ ἀπὸ τούτου ξυμβαίνοντα λελυμένα ἔσεσθαι. *Plato de Repub. Lib.* 4.

Matter: For mine preſuppoſes a Poſſeſſion of private Property, and ſubſiſts by, and takes its Form from the ſeveral Combinations and Intercommunity of thoſe private Poſſeſſors; whereas yours, that it may be productive of thoſe Conſequences that you charge it with, muſt either with *Plato* be ſuppoſed ſuch a total Interfuſion (if I may ſo expreſs myſelf) of all Things, as levelling all the Bounds and Terms of Individuality deſtroys the very Poſſibility of any private Poſſeſſion or ſeparate Right, in any Caſe whatever: Or with *Ariſtotle* it muſt be ſuppoſed only a *(Communio Juris)* common equal Right and Claim that all Men have upon each, from the common equal Share they have in the univerſal Exiſtence of a Law of Juſtice and Equity, being a common Rule and Canon to them, as Men, not as landed Subjects *. Then indeed, in either of theſe Caſes, the Government can be no-where but where the greateſt Portion is of this Spirit of this Law; where may be ſaid to be the actual Seat of this Soul of the Community, which being a Spirit in all Things perfect, *æthe-rial*, univerſal, exiſts not locally by Parts and Portions, but continually in all Places, and all Times, the ſame compleatly; is not circumſcribed by thoſe Walls, this Country, that Region; but with its Power and Preſence pervades all Regions and Oceans, even the whole Earth, and Heavens, and every Power and Order of Nature itſelf: So that indeed, if this be ſuppoſed the animating Cauſe, and Principle of Life to the Commnnity, to connect and form it into Government, it will not be the Government of this City, or that Country, but an univerſal Coaleſcence of the whole Race of Man in one univerſal Dominion.

* This is no imaginary Objection ſtated from a Suppoſition of what might ariſe from the falſe Application of theſe Principles. But what has been actually ſtated, treated on, and received as the moſt ingenious and unanſwerable Account, of the Pope's Right to univerſal Dominion, as may be ſeen throughout that Treatiſe of *Vida's de Dignitate Reipub.* Which, not only for the Manner of it, which is moſt truly elegant and learned, but in the Matter of it, which is the moſt extenſive and ſcientific, ſeems alone equal to ſupply the Loſs, that the World ſuſtains in wanting *Cicero*'s Writings on this very Topic, that Society aroſe from the *Communio Juris*.

But the Method I purſued was as follows:—Since it appears to us hat the Account, commonly given of the natural State of Mankind, was productive of ſuch inconſiſtent and wild Conſequences, the Method I took was, by reducing thoſe Conſequences to their moſt palpable Abſurdity, to ſhow that that could not be the real Account. Yet not to eſtabliſh any other from Theory from Deſcription, which might, as having no Foundation in Nature, be equally abſurd with the Former. I took an actual Survey of this State, and found it, inſtead of being a State of abſolute Independency, * a State of Communion, by pointing out that there is a ſyſtematical Concatenation throughout all the Powers of Nature, and that Man is Part of that Syſtem. That he is formed in his Body for Labour and an active Life, for Arts and Induſtry; in his Mind for Knowledge; and his Heart for Liberty †. That he is ſo form'd in his Affections that he hath a ſtrong Deſire to connect and be connected with the ſeveral Objects of theſe Affections: So that in their Abſence his Happineſs is proportionably darken'd and diſpoil'd: And in the Enjoyment of them is ſo far forth again illuminated and animated. ‡ See Man in Solitude, how miſerable and unſatisfied his Troubles overcome him; his very Happineſs is irkſome and palling: So ſtrong is our Deſire to live by, and love and be belov'd by our Fellow-creatures. This teaches us to grieve with the Afflicted, and pity them; and bleſſes us when we relieve them: This makes our Heart to overflow with another's Joy, and be happy in making others ſo; till it grows more and more

* Nullum eſt enim Genus Rerum, quod avolſum a Cæteris per Seipſum conſtare, aut quo cæteri ſi careant, Vim ſuam atque Æternitatem conſervare poſſint. *Cic. de Orat. Lib.* 3. §. 5.

† Neceſſe erit ut Vires quaſdam Actioneſque Animi Lectoribus ob Oculos ponam, unde conſtat; Hominem naturaliter idoneum eſſe ad ineundam ampliſſimam Societatem; optimoſque ſuæ Indolis Fructus amittere, niſi in eam concedat. *Cumberland de Nat. Rerum, cap.* 2. §. 4.

‡ Quod Nemo in Solitudine agere Vitam velit, nè cum infinitâ quidèm Voluptatum Abundantiâ; facile intelligitur, nos ad Conjunctionem Congregationemque Hominum, & ad naturalem Communitatem eſſe natos. Impellimur autem Naturâ ut prodeſſe velimus quamplurimis. *Cic. de Fin. Lib.* 3. §. 20.

enlarged,

enlarged, and diffuſes itſelf in an univerſal Benevolence to all Mankind.

But we reſted not here, that he was form'd in his Capacities and Affections for the Communion of Society; but we went on further to ſurvey him as a Part of that Syſtem. And here we ſaw how many Arts and Sciences are wanted to ſupport, how many Hands and Heads are neceſſary to preſerve this Being, even in its narroweſt Sphere. We ſaw, * that almoſt his every Movement and Action was implicated with innumerable conſpiring Movements of other Bodies, that partake of, and are Parts of the ſame Syſtem; that he could not even till his Ground, ſo as to live by it, without the Intercourſe and Commerce of others; we ſaw in a Kind of Sketch, how many Hands and Trades were employ'd, how many Companies, and even Cities, interven'd, and were fed, as connected under the moſt ſimple Relation of the Huſbandman and his Tools. But to have enlarg'd this Chain of Intercourſe thro' all the Materials and Manufactures of the induſtrious and civiliz'd World, would have been a Subject of itſelf for a very large Treatiſe. Nay, I might after all have purſued this Reaſoning up to thoſe abſtract Truths, which the Mind of Man is capable to collect, and have exiſted in the Divine Mind from all Eternity; thoſe Truths, which are the Laws by which this Univerſe ſubſiſts, and the Model on which it was firſt form'd; that we might ſee that even ſuch as are moſt ſcatter'd, and to all Appearance the moſt independent, are all connected and interwoven under the ſame one univerſal Truth. The higher we are able to purſue this golden Chain, Nature will appear more ſimple and uniform: "But it is "in Mathematics only that Truth appears moſt conſpicuous, and "ſhines in her ſtrongeſt Luſtre:——In moſt other Sciences, all that "beautiful Analogy, all that harmonious Connexion and Conſiſten-"cy, is quite loſt; and thoſe Truths that are diſcovered, appear ſo

* Omnes illius Motus —— neceſſariò innumeris aliorum Corporum, quæ in eodem verſatur Syſtemate, Motibus implicantur. *Cumberland de Leg. Nat. cap.* 2. §. 13.

"ſcatter'd

" ſcatter'd and ſo very independent one of another, that they ſeem " to have no Manner of Relation one to another, tho' it is certain " THAT ALL TRUTHS HAVE †." Hence it is that *Pythagoras* ſaith: " Truth before all Things exiſted in the Divine Mind, from which " and out of which all Things are digeſted into Order, and remain " number'd by an indiſſoluble Series ‖." But enough was done to ſhow, that there was actually ſuch a Connexion; therefore I next undertook to explain and illuſtrate that Syſtem, as an univerſal Concatenation of the whole Creation, and ſuch an Intercommunity of Relations amongſt the Things of this World, that no one Being is perfect in its own Nature, independent and detach'd, but as a Part of the one great univerſal Syſtem.

But here before I go on to ſhow how, from this natural State of the Syſtem of Mankind, they, *by the Limitation of their Capacities, and the Extent of their Neceſſities*, form themſelves into Communities, and hence, by the various Combinations and Conglomerations of Property, into Government, upon theſe Communities; (in the Courſe of which we ſhall ſee the Difficulties, about the legally and naturally diſtinguiſhing and keeping ſeparate ſuch Governments, clear'd up): Before I proceed to this, I will here obſerve, that altho' you ſeem to have fallen in with my Sentiments about this State of Communion, for the Sake of objecting the Conſequence of the univerſal Monarchy; yet, explaining it indiſcriminately, either after *Plato*'s, or *Ariſtotle*'s Manner, you are not able upon ſuch Principles to form a Government, without recurring to the old Theory of eſtabliſhing a common Adminiſtrator for the Protection of the Individual, and forming both the Government and Governor, an artificial Thing, by the voluntary Compoſition of its Conſtituents. Now as your Syſtem ſuppoſes this common Meaſure and Arbitrator to become ſuch from Compact, and to be intirely artificial, I don't ſee how it differs ſo

* *Sanderſon*'s Algebra.
‖ Apud *Ariſt. Arith.*

widely

widely from Mr. *Hobbs*'s Errors, as it would be thought to do. * His Sentiments are, that a State of Nature is a Warfare, and that the Compact which calls in the Aid of Government, is a mere Treaty of Peace, and Government a general Amnesty built on that Foundation, and is merely from a Compact and artificial. You say indeed, that in this State of Nature Man is social, and that there is a Law of Nature †: Yet when you consider his Independency, and the Extent of his Liberty; and his having the Execution of this Law, every Individual in his own Hands; you find that his Affections and Passions bring him into just the same Situation as the Philosophers State of War; and, when from this Situation you consider the Necessity of a common Arbitrator and Government, the very same Reasons precisely are applied by one as by the other. And both agree in this, that this State of Government, by which alone the Society and Being of Mankind can be preserv'd, does not exist in Nature, but is intirely from Compact, and is artificial. Nay, some of those that do suppose Man by Nature social, explain the Communion or Society as artificial.

But of this to those who are more in earnest about it than you are, I perceive you only took it up as an Expedient to cement your Hypothesis; you could not but see that there is no Connexion between the Ideas of Government and Communion, as you explain it; that there is nothing in such a Communion that can divide its Constituents into the Governed and Governor; nothing *in Nature* that can fix it in the Hands of one rather than the other: This you saw, and therefore you recur to *Will*, and make such Government to arise merely *from Compact and become artificial.* If you had not seen this, you

* Animalium illorum [scil. Apium, Formicarum, &c.] Consensio a Naturâ est. Consensio autem Hominum a Pactis est, artificialis: Mirum ego non est, si ad Firmitatem & Durationem ejus aliud præter Pactum requiretur, *nempe* Potentia communis à qua singuli sibi metuant, & quæ omnium Actiones ad commune Bonum ordinat. *Hobbs de Cive, cap.* 5. §. 5.

† And thus from your own Reasoning it appears, that the *State of Nature* must in all Likelihood have been little different from a *State of War.* Ld. *Shaft.* Charact. *Rhapf.* Part 2. §. 4.

might

might have follow'd your two Friends *Plato* and the *Stagyrite* a little further; for, tho' they differ ſo widely in their Principle, yet they both come to the ſame Concluſion, where you might have join'd them namely, that 'tis Nature makes this Diviſion, by that ſuppos'd Reſidence of Wiſdom and Virtue; that ætherial Spirit which points out the Leaders and Governors of Mankind; which Spirit, to the beſt Idea that I can frame of it, cannot be more rationally tried than by *Gordian*'s Knot, or ſome ſuch wiſe Ordeal, unleſs it be left to the Election of Horſes and Birds, as the moſt compleat Judges *.

Tho' *Ariſtotle* here, as elſewhere uſually, would fain ſeem wiſer than the Academic, yet of the two *Plato* will be found more conſiſtent with himſelf; for he judiciouſly ſaw, that if he would have form'd his Government upon the Ballance of ſuperior Virtue, and make his Philoſopher his Prince, he muſt aboliſh all private Property and Poſſeſſion, and introduce the levelling Scheme of an indiſcriminate Communion, as a neceſſary Foundation of ſuch an Hypotheſis; and hence all the Errors and Diſgrace of his Philoſophy, which ſo exquiſite and preciſe a Reaſoner could not but ſee, yet adhered to as being conſiſtent. Theſe ſhameful Conſequences *Ariſtotle* honeſtly diſavows, in ſome Degree taking into his Foundation Property and private Poſſeſſion, yet adheres to his Structure of the Philoſopher Prince, without any Attention to the Influence of the Power of ſuch Property. So that, altho' the latter profeſſes the moſt rational Principles, yet the other is the better Reaſoner, and both come to the ſame Concluſion.

—But to return: —Let us now ſuppoſe ſome Region or Country, in which the divers Inhabitants, in Proportion to their Attention and Induſtry, or other Accidents, are poſſeſſed of divers Portions of the Lands, Cattle, and Fruits of ſuch Country, and that by the ordinary Courſe of Property, or any other Means, one Man, or a few, are in Poſſeſſion of three Parts in four of the Whole: Now, in

* As *Darius* and *Romulus* were choſen. Sic Regnum Perſarum (ſays *Juſtin*) ſeptem nobiliſſimorum Virorum Virtute quæſitum, tam levi Momento in unum collatum eſt.——

this Country ſo circumſtanced, let us imagine ſome abſtract Wiſeman, that, inſtead of tilling his Ground, and feeding his Cattle, hath been cultivating the Powers of his Mind, and purſuing the Reſearches of Wiſdom and Truth; in ſhort, that he is, without a Foot of Land, the very Philoſopher you would wiſh: Let us further ſuppoſe, that the People of this Country finding, upon the Increaſe of their Buſineſs and Property, that they cannot well go on together without ſubordinating themſelves to Government, nay, that this Philoſopher hath taught them all this: Will you now ſay that this Philoſopher, on whom we ſuppoſe reſident this ætherial Spirit, will you ſay that he can take the Lead, and be able to ſupport it, by Virtue of this Spirit? And that the great rich one, or the few, will ſubmit themſelves and their Property to the Direction and regal Influence of this Philoſopher? Or let him take out of their Hands the Lead of the People, the Bulk of whom are really already connected under their actual Influence? If they will not, where is his Authority? And, if they do ſubmit, he is no more than their Servant employed by them, acting at their Will, and under their Authority, when they will, and may change, whenever they pleaſe, for the Government is ſtill in their Hands where the actual Influence is. For what is the Adminiſtration of Government, but preſcribing general Rules and Methods of Intercourſe, and fixing one common Canon of the Rights and Actions of a People? When therefore thus Preſcribing becomes neceſſary, thoſe who already have the Power and Influence, will be the Preſcribers.

But altho', for Argument's Sake, we ſuppoſe with you, that, the Philoſopher teaching the Neceſſity, and Uſe, and Benefits of Society, theſe Reaſons become the inciting Motive to the People of deſiring and ſeeking Government: Yet, in Fact, " it is not to be ſuppoſed that " Mankind, at the Beginning of Societies, had any Regard either to " the Good or Evil to come.——They did not ſee theſe Conſequen- " ces at the Beginning, and, tho' they had ſeen them by the Help of an

" Underſtanding

" Underſtanding free from Paſſions, it would not have touch'd them " in the leaſt. Mankind are too cold and remiſs, when they are " ſpurr'd on by nothing but Reaſon: As the Frame of our Conſti- " tution is, 'tis only by Means of Senſe that we muſt be wrought " and work'd on to Action." And thus, in Fact, it has not been Wiſdom and Policy, but eventual Incidents in the Actions and Circumſtances of Mankind that have form'd theſe Powers of Government, tho', after they have been form'd, Wiſdom and Policy may have taken the Direction of them: For they have either been found in Heads of Families and Clans, where likewiſe was virtually ſuppoſed the Right of all the Property of ſuch Clan; or where there has been no ſuch Clan or Head, Riches increaſing, unequal Property produced unequal Powers, and Intercommunion of Truſt produced Subordination; for the leſs powerful finding they were ſupported by the Riches and Commerce of the Great, and the Great finding themſelves ſecure in the Number of their Adherents, from theſe Circumſtances, I ſay, aroſe the Connexion of theſe Subordinations, even prior to, and independent of all Reaſoning about the Matter.

So that conſidering the Subject, even under the Suppoſition of Wiſdom not being in thoſe Perſons who have the Property, ſtill Property and it's Influence will always have the Ballance of Power, and Authority. But tho', for Argument's Sake, they are ſuppoſed ſeparate, yet in Nature and Fact are they more likely to be combin'd. Is it not much more probable, more reaſonable to think, that thoſe who are moſt concern'd and intereſted in the Welfare of the Community, ſhould have the greateſt and moſt frequent Opportunities of being acquainted with it, and thence acquire of courſe the greateſt Degree of civil and political Knowledge, and therefore on all Accounts be the proper Stay and Center of the *Imperium?*

We find *Agamemnon* * at the Head of a conſiderable League of powerful Princes, yet it was neither his Wiſdom nor Virtue that was ſuperior, but his naval Power and large Domains that gave him the Lead in this great Armament. In this Manner, and by the ſame Cauſes principally, did the Empire of the *Medes* devolve into the Hands of *Deïoces* †, when the Ariſtocracy of the Plains of *Nyſa* elected him to be their King and Governor: Tho', after he was once eſtabliſh'd in this Empire, his Artifice and Policy perverted the Government into a Tyranny, by the Introduction of a military Force. It were tedious to detail out the many Inſtances of this that occur in Hiſtory; but, if in the Courſe of Reading you ſhould meet with any Examples of ſuch a Forming of an Empire, remember to diſtinguiſh, whether ſuch elected Perſon be at the Head of the Ariſtocracy, by his own natural Weight in ſuch Ariſtocracy, or whether it be an Ariſtocracy or People governing by a King, who has no Weight or Power but as an Agent at the Head of a Party. Inſtances of all which Caſes you may find, during the kingly Government of *Rome*; and of the former a very illuſtrious one in *Athens*, during the Adminiſtration of *Pericles*.

Q. Scæv. I have hitherto attended to your Explanation, how Power follows Property actually, and find you in good earneſt maintaining what the Poet ſaid in jeſt; but they ſay there's many true Words ſpoke in jeſt:

——————*Omnis enim Res*
Virtus, Fama, Decus, DIVINA HUMANAQUE *pulchris*
Divitiis parent; quas qui conſtruxerit, ille
Clarus erit, fortis, juſtus; ſapiensne? etiam & Rex ‡.

* —————— Εὐρυκρείων Ἀγαμέμνων —— Hom. *Lib.* 1.
Οὔνεκ' ἄγιος ἦεν, πολὺ δὲ πλείστας ἄγε λαούς. *Lib.* 2. 580.
† Herodot. *Lib.* 1.
‡ Hor. *Lib.* 2. *Sat.* 3.

But

But ſtill I was in Hopes to have heard ſomething of the Right of ſuch Power, otherwiſe it appears to me as much mere Force or Violence, as if it were cut out with the Sword: I own it would go much againſt my Nature, and, for what I can ſee, againſt the Nature of Reaſon and Truth, if any Man ſhould aſſume a Right over me and my Actions, becauſe, being my Neighbour, he had more Acres in his Farm, or more Money in his Pocket, for you have made no Diſtinction between the one and the other Kind of Property: And therefore it would directly occur to my Inquiry, whence any one can, according to the Principles of Truth and Nature, acquire a Right to take the Direction of the Actions and Intereſt of another.

L. Craſſ. I was juſt looking out the Paper that goes next upon that Inquiry, but obſerve firſt, to obviate any ſuch Objections as of you and your Neighbour for the future, that all along muſt be underſtood, by the Ballance of Property, the Property as a Part of a Community, as connected with that; not the Property of an Individual, as ſuch, in his own Right: And, by the Share of Power that inclines to any Part of that Community in Proportion to its Property, muſt be underſtood in Proportion to the Application of ſuch to the Buſineſs and Intereſt of the Community; for, without the Spirit of ſuch Application, the Power of Property is a mere empty Name, and the Man of Property literally a Cypher, that only adds to the Power of thoſe who have the Spirit of ſuch Application. And ſo far will any one Man be from acquiring any Power, by Virtue of this inanimate Bulk of Property, that a whole Body of People, by neglecting the right Application to this Ballance already in their Favour, may loſe their due Weight and Influence in the State. I will mention but one Inſtance, yet one will be ſufficient to obviate the preſumptuous Demands of ſome, who have no Right to demand at all. The Government of *Mantinéa* which was conſtitutionally Ariſtocratic, had been long perverted, and in the Hands of the People and their Demagogues;

magogues; now this came about we ſee from thoſe Methods by which it was reſtor'd. The *Lacedæmonians* (after they had taken the City by Capitulation, which had revolted from them by this Faction of the People) undertook to reinſtate the Conſtitution and the Ariſtocracy, not by any Act of Violence or Force, by no other Policy, than by obliging the landed Men to live upon their Eſtates in the Country; thus putting them upon making the right Application of their true and natural nfluence. * " This ſays *Zenophon*, at firſt they bore hardly, as being " oblig'd to build Country-Seats, whereas they had Palaces already built " in the City: But afterwards feeling their own proper Influence increaſe " by their living upon their Eſtates, and finding themſelves thus freed " from the grievous Factions of the Demagogues, ſo that the Govern- " ment return'd to its original Ariſtocratic Ballance, they thought " themſelves very happy in the Change." Here you have a whole Order of a State loſing their very conſtitutional Weight and Power, by neglecting the Ballance in their Favour. Nay of ſo active a Nature is this political Application of Property, that in a Government founded on a landed Ballance of Property, in ſome Emergencies and Events, money'd Property hath been found to create itſelf a temporary Over-ballance to ſuch landed Intereſt. Thus once it happen'd at *Rome*, which, of all States in the World, excepting the *Spartan*, had the leaſt Connexion with the money'd Intereſt; upon the *Scipio*'s demanding Supplies and Money to ſupport their Succeſs in *Spain*, the public Treaſury being exhauſted, the Senate came to a Reſolution :— ‡ *Niſi Fide ſtaret Reſpublica, Opibus non ſtaturam, prodeundum in Concionem* Fulvio *Prætori eſſe, indicandas Populo publicas Neceſſitates, cohortandoſque qui redempturis auxiſſent Patrimonia, ut Reipublicæ, ex quâ creviſſent, ad Tempus commodarent.*——*Ubi ea Dies venit, ad con-*

* Ἐπεὶ δὲ οἱ ἔχοντες τὰς οὐσίας, ἐγγύτερον μὲν ἦκον τῶν χωρίων ὅλων αὐτοῖς περὶ τὰς κώμας, Ἀριστοκρατίᾳ ἐχρῶντο, ἀπηλλαγμένοι δ' ἦσαν τῶν Ϛαρέων Δημαγωγῶν, ἥδοντο τοῖς πεπραγμένοις.
Zenophon. *Helleniac. Lib.* 5. *cap.* 2.

‡ Livius *Lib.* 23. §. 48. 89.

ducendum

ducendum tres Societates aderunt Hominum undeviginti.——Now tho' theſe Bankers, theſe Farmers of the public Revenue, demanded Terms very unconſtitutional, yet the Government found it neceſſary to comply with them: *Privatâque Pecuniâ Reſpublica adminiſtrata eſt, nec ſecus quam ſi ex opulento Ærario.* And while theſe Wretches, by theſe Acquiſitions of Power, incroached almoſt to the uſurping the Adminiſtration of the Government, took Occaſion, from the Diſtreſſes of their Country, to pillage and defraud the Government, to oppreſs and ruin their Fellow-Subjects, and betray their Country. The Senate found themſelves incapable of reſtraining or reſenting theſe Violences and Outrages: * *Patres Ordinem Publicanorum in tali Tempore offenſum nolebant.*——— But this was but temporary, as it was not founded in the Nature, in the Conſtitution of the State, but in it's Misfortune, it's caſual Diſtreſs; for, as ſoon as the Emergency that gave this Occaſion was remov'd, this Intereſt was reduced to its own Ally, and the real Ballance of the State reſtored.

But—here—this Paper repeats what I ſuggeſted in the Morning.—The Poſſeſſions of the Earth, the Things with which a Man muſt be cloathed and fed, conſiſt of the Products of the Land cultured and manufactured; and that theſe become a Man's, either by his having acquired ſome Land, or where, by being allow'd to employ his Labour on another's Land, he has a certain Share in the Products of ſuch Land. Now a Man in this State of Communion is to be conſider'd as a mix'd civil Perſon, a Compound of Perſon and Property: And it being certain that every Man hath a Right originally to the abſolute Direction of himſelf, and all that belongs to him as his Property; if we here ſuppoſe a Second, who, having no Property, is by the Permiſſion of the Firſt allowed to mix his Labour with the Property of the Firſt, ſo as that he ſubſiſts upon it: The Right of the Power of the Firſt is juſtly extended to a certain Degree over

* Livius *Lib.* 25. §. 3.

the

the Second as a mix'd civil Perſon, ſo far forth as any Part of that civil Perſon's Subſiſtance may be referr'd to ſuch firſt Perſon as his Property: That is, ſo far as this ſecond Perſon, in any Part of his mix'd Being, is contain'd in any Part of the natural Intereſt of the Firſt: When the Actions of this Perſon are ſo interconnected with the Intereſt of the other that he lives by that Connexion, and that Connexion is by the Permiſſion of the Firſt: That Firſt, as he has an undoubted Right to the Direction of his own Intereſt in its fulleſt Extent, becomes to have a Right in Part (ſo far as the Actions of the Second are connected in his Intereſt) to the Direction of the Actions of that Perſon; and therefore, if it be allow'd that Power does *actually* follow Property, I think it is here apparent, that in Truth and the Reaſon of Things, that is, in *Right* it may. And therefore if there be any Thing in Reaſon or Nature that may, as a Principle of Individuality, define particular and diſtinct Governments (which is the Enquiry we muſt next make) ſuch Governments will be framed, and take their reſpective Forms, from the Influence of this Power, this Ballance of Property.

You have ſhown that there is nothing in the old Hypotheſis, nor indeed in this Account of the Syſtem, as you have explain'd it, that can become a Principle of Individuality to particular and diſtinct Governments; and yet 'tis a Conſequence that ſeems to be as natural, as that a Man, who in general ſtands related to the whole Species, and whole Syſtem of which he is a Part, ſhould, as he is an Individual, have ſome particular Rights that reſpect only himſelf, and over which no Dominion can ever by any Right be extended, and which become peculiarly ſo from this very Individuality. But let us ſee what we can make out of this Matter, and the rather ſo, becauſe I don't know any Place to refer myſelf to, where this Topic hath been conſider'd.

I firſt ſhow'd that there is a one Communion, as a Foundation of Society, and of a Law of Nature; and if the Syſtem was to end in this imperfect Manner, and Man could live in this State, they

would

would be all under one common Law, and one Intereſt; but by the Intervention of Property in the Individual, and it's various Modifications and Combinations, ariſe other ſyſtematical Communities and Intereſts diſtinct from one another.

As there is in Nature one general univerſal Law of Matter, under which all Things of this viſible Syſtem exiſt, by which all the Powers of every Exiſtence are regulated and govern'd; by which all Things, in Reſpect of their general Properties and Relations, as they partake of the common Matter, may be ſaid to be one general univerſal Syſtem of a one Whole: So from the peculiar Properties and Powers included in the Individuality of each diſtinct Exiſtence, and the limited Extent of its Relations as ſuch, ariſes the particular defin'd Syſtem: Which ſuch Syſtem is ſo model'd in its Frame, and limited in its Extent, by the peculiar and particular Scite of a Number of Individuals in Reſpect to one another, that there ariſes from the whole Compoſite of the limited Powers of it's Conſtituents a one Principle common to ſuch Number, which becomes to this Number, as a Syſtem, a one diſtinct Principle of Individuality.

All the Matter of this Univerſe is under one common Law of Attraction and Motion; yet from the peculiar Modifications of Attraction and Motion ariſing from the individual and particular Properties of each diſtinct limited Being, and the peculiar Scite and Proportions they have in Reſpect of one another, are form'd thoſe coſmical Syſtems, ſuch as this particular ſolar Syſtem, in which our Earth is found to be a Part. Now, in that the ſeveral Parts of this Syſtem, from their Scite and Proportion of Diſtance and Quantity of Matter, refer to one Center amongſt themſelves, which is common to all, they are all of one Syſtem; and, in that their Powers are limited to a certain Diſtance and Quantity of Matter, this common Principle extends no further than theſe can thus act upon one another. So that all thoſe Bodies that relate to, and move round this common Center, are of this Syſtem, and ſo far it extends, and no further. And, as a

Syſtem, it hath thus a Principle of Individuality, compleat and perfect within itſelf, and proportionate to it's limited Exiſtence. It is as much cut off from all Relation (in Reſpect of the Right and Sufficiency of its Exiſtence) to the Whole, or any other particular Syſtem under the Whole, as if no ſuch Syſtem did ever exiſt: But yet, were it not for that one general Law as a Foundation, this Syſtem would become a mere Caſtle in the Air, and Thing that could not exiſt. If therefore, notwithſtanding this common Principle that extends to, and pervades the very Form and Eſſence of all and every Being, a Number of ſuch Individuals can be form'd into a diſtinct Syſtem, and acquire by ſuch a diſtinct Principle of Individuality, I don't ſee how any Difficulties can ariſe, or where the Difference is, why, in the moral Syſtem, a Number of Individuals, peculiarly placed and circumſtanced, cannot form a diſtinct Community upon this common Communion as a Foundation, and in like Manner acquire a Principle of Individuality.

Therefore as in the moral Syſtem we have ſeen, from that general common Concatenation, and Inter-relations of all Beings, and from Man's Exiſtence, by his general Properties, as a Man, being connected with theſe, that there is a one common State of Communion of which that is Part: So likewiſe doth it appear from the Principles of his Individuality, and the Extent of his limited Powers, that there ariſe diſtinct Communities upon the Foundation of this common one. The firſt View ſhows, that Men are thus connected in a Syſtem, and becomes a Foundation of the Second, which ſhows that this Syſtem may be, and is naturally limited, and becomes to it, ſo limited, a Principle of Individuality. Thus, then, a Number of Men, by living together on any peculiar Scite in this Communion, are connected and referr'd amongſt themſelves to one common End, the Support of their Exiſtence, as it ariſes out of this Situation; which End we may call the moral Center of this Syſtem. Now to whomſoever, in the common Communion, the Influence of this Center extends,

tends, they are naturally and neceſſarily connected under this Syſtem. Thus far it doth naturally extend, and no further.

From the very Manner of forming this moral Center, and from the limited Powers of the Conſtituents that conſpire in it, it muſt naturally be limited and finite; which Limitation will be in Proportion to the Product of the compoſite Powers of the Conſtituents, anſwering to the Whole of the Neceſſities of all the Conſtituents to whom the Influence of ſuch Center doth extend: And the Communion reciprocally extending ſo far as to be proportionate to theſe compoſite Powers.

Man requires an Extent of Communion and Intereſt for his Exiſtence, which his own Powers and Capacities are not able to extend to, and fill up; that is, his Neceſſities require the working and culturing many different and various Branches of the Community, that, altho' the Quantity of the Product of his Labour may be equal to the Quantity of Neceſſaries ſufficient to his Subſiſtance, yet by the Locality of his Powers, and their being capable of taking only one Direction, the Quality of ſuch Product cannot extend to the ſeveral Branches of Food, Raiment, and other Requiſites to his Exiſtence. But he is ſo conſtituted by Nature, that the Product of his Labour on this one Branch contains at leaſt, if it be ſuppos'd equally divided, as many more Portions of Subſiſtance than his Being requires from this Branch, as are equal to the Number of various Branches required, which he cannot extend to. So that while one Individual ſtands related to this Branch and labours in it, another to a Second and labours in that, and then a Third, and ſo on, a certain Portion of the univerſal Communion, which in its Extent is no more than neceſſary to the Subſiſtance of one Man, is, when cultur'd, in its various Branches, by the various and different Powers of divers many Conſtituents, equal and ſufficient, in the whole compoſite Produce, to the Subſiſtance of ſuch a certain Number of divers Conſtituents as are proportionate in their Powers to the Culture of all its Branches. And

ſuch a Portion of the univerſal general Communion, where the Labour of each particular Conſtituent contains in that Branch of Communion, which he is reſpectively employ'd upon, as many Portions more than are ſufficient to his Subſiſtance upon that Branch, as there are different Branches required, and different Conſtituents labouring upon each; and where the particular Portion has extended to ſuch Branches of Intercourſe, and ſuch a Number of Labourers in each, as are neceſſary to that peculiar Mode of Exiſtence under which they live, ſuch a Portion, I ſay, we may call a Community.

And when once a Communion is extended to as many Branches of Subſiſtance as are neceſſary to Human Life, under that particular Mode of Exiſtence, where ſuch Communion is found; and to as many conſtituent Labourers in each as are proportionate to the Filling up and Culture of that Communion in all it's Branches, ſo that the Culture of the Whole, and the Application of it's whole Produce, is proportionate at leaſt to the Neceſſities and Conveniencies of the Life, as of the whole Community, ſo of every Individual Conſtituent contained within it; ſuch Community becomes a one organized Being, and has in itſelf a Principle of Individuality. And therefore for the ſame Reaſon that any one Man, if he be a prior Occupant, may, by mixing his Labour with any Portion of Property, appropriate that to his own Uſe, and hold himſelf and that Property diſtinct from the univerſal Communion, as far as reſpects the Rights of his own Individuality; ſo far for the ſame Reaſon, and in the ſame Manner, may this Community thus become an Individual, hold itſelf and it's Property diſtinct from the general Communion, as far as reſpects the Rights which every Individual may poſſeſs in it's own private Perſon.

And thus, for any Right or Claim the reſt of the World may have on this Community, it may juſtly and truly, and does naturally, ſubſiſt by a diſtinct Principle of Individuality.

But obſerve once for all, that as the Laws which reſpect the private Right of the Individual are actually diſtinct from the univerſal

Law

Law that reſpects the Coexiſtence of the Whole, are diſtinct, I ſay, yet conſiſtent: We in like Manner would not have it here underſtood, that any private Community is ſo meant to be conſider'd diſtinct, as to become inconſiſtent with the univerſal Communion of Nature and Man in general. We ſay it appears from theſe Principles, that this diſtinct Communion, which we may now call civil, cannot on one Hand be eſtabliſhed on ſuch Principles of Selfiſhneſs, as are inconſiſtent with the univerſal Communion of Nature, the Law of general Benevolence and Reaſon, for we have ſeen that it muſt take that as it's Foundation: That is, it cannot circumſcribe it's Powers and Intereſt ſo within itſelf, as to withdraw itſelf from this Law on one Hand; nor on the other can it extend it's Claim of Communion ſo far over the Powers of the Individual, as to break the Laws and infringe the Right of his Individuality; that is, as it is circumſcribed by the Obligations of the univerſal Communion of Nature in general, ſo is it's Extent limited by the Rights of Man, as an Individual.

Q. Scæv. But ſtill I don't ſee how this marks out any Way of defining where the Community ſhall end; for it may in this Manner extend to every Individual of the whole Race of Man. All that I find in your Explanation is, that a certain Portion of the univerſal Communion will, by the different and limited Powers of a Number of Men living together upon it, be divided into a certain Number of Shares, and conſequently the Number of Poſſeſſors becomes defined; but what if I add another Share to his Portion, I may add another Poſſeſſor, and ſo another, and another, 'till it extends to all.

L. Craſſ. Nay, you might have found in my Explanation, that a Community is not a mere Number of Identicals, nor are the Conſtituents mere numerical Individuals, that may be multiplied at Pleaſure, or even, being thus multiplied, would increaſe the Extent and

Power.

Power of the Community in the ſame Proportion. No, * they are Parts and Members of an organiz'd Body, which are, by the Nature of that Organization, defined and limited in Proportion and Relation to each other, both in their Powers and their Number. And, when ſuch a Body is come to it's compleat natural Form and Magnitude in all it's Power and Parts, the Addition afterwards, by a Number of any individual Parts, would not add any Thing to the Nature and Powers of ſuch Body, but Deformity and Incumbrance, and therefore could not, by any Right or Law of Nature, and the Nature of that Body, belong to it: But would produce, as is ever the Caſe where the Laws of Nature are deviated from or perverted, ſome horrible unweildy helpleſs Monſter. Never would the hundred Hands of a *Briareus* or *Gyges* produce that Strength, that would be found in the true athletic Proportion of an *Hercules:* Nor would the hundred Eyes of *Argus* ever make a *Lynceus:* And, tho' it be ſaid that two Heads are better than one, yet one natural one is worth all the three of a *Geryones.*

But we will here diſtinguiſh, what your Objection is founded upon in the confuſed Groſs, namely, that this Separation of a diſtinct Community may be objected to, either from the Right the reſt of the World has to prevent ſuch Separation, or from the Right that this Community has to extend it's Influence to as many Individuals as it ſhall pleaſe. Now as we have, in the firſt Part of this Propoſition, ſeen, from the Right of private Poſſeſſion being diſtinctly applicable and limitable to the private Neceſſities and Powers of the Individual, and from the Individuality of this Community ſuch private Poſſeſſion, being there in the ſame Manner applicable: That there is no Right or Claim, that the World has upon this Community, which can prevent it's thus holding itſelf a diſtinct Body: It will likewiſe appear in the ſecond Part, that this Communion cannot extend it's Influence

* Ὥσπερ γὰρ Σῶμα ἐκ μερῶν σύϛκειται καὶ δεῖ αυξάνεσθαι ἀνάλογον, ἵνα μένῃ συμμετρία — οὕτω καὶ Πόλις σύγκειται ἐκ μερῶν. Ariſt. *de Repub. Lib.* 5. *Cap.* 3.

to

to any Number of Individuals it ſhall pleaſe, and therefore has in itſelf no Right why it ſhould not be thus limited, but, on the contrary, is actually thus defined by the Nature of it's own Exiſtence.

For, as * " Nature has well ſet the Meaſures of Property by the " Extent of Man's Labour and the Conveniencies of Life", ſo likewiſe hath ſhe in the ſame Manner ſet the Boundaries to the Influence of a Community, as one Body, by the Limitation of the Powers of that Body, and the Support and Conveniencies of it's Exiſtence, as a Community. Now the Powers of any organiz'd Body cannot be infinite and univerſal, nor would become ſuch, even if it could ſuperadd an Infinitude of identical Individuals to its Body: It's Power is ſyſtematical, not numeral, and therefore determin'd and defined by the Nature of that Syſtem; and therefore you ſee, when it is once ſuppos'd compleatly organiz'd, and full in all it's Parts, it hath no Right in Nature or Reaſon to extend it's Influence, ſo as to add one ſingle Individual more. Thus therefore, in the abſtract Reaſon of Things and Right, there are ſuch Beings as diſtinct Communities, ariſing from and founded upon the common general Communion of the whole Univerſe: That every Community hath hence a Right to inſtitute itſelf into a lawful Government. And we find that Nature hath, in Fact, portion'd out many ſuch Communities, and that, upon theſe natural diſtinct Intereſts, † the People of the Earth have form'd themſelves

* *Locke* on Government, *Book* 2. §. 36.

† If a Man conſiders the Face of *Italy* in general, one would think Nature had laid it out into ſuch a Variety of States and Governments as one finds in it. For as the *Alps* at one End, and the long Range of *Appennines*, that paſſes thro' the Body of it, branch out on all Sides into ſeveral Diviſions; they ſerve as ſo many natural Boundaries and Fortifications to the little Territories that lie among them. Accordingly we find the whole Country cut into a Multitude of particular Kingdoms and Commonwealths, in the oldeſt Accounts we have of it; 'till the Power of the *Romans*, like a Torrent that overflows its Banks, bore down all before it, and ſpread itſelf into the remoteſt Corners of the Nation. But, as that exorbitant Power became unable to ſupport itſelf, we find the Government of *Italy* again broken into ſuch a Variety of Subdiviſions as naturally

themſelves into various Communities and Governments. The particular Produce or Scite of any Country is enough to do this: Nay, in the ſame Country the maritime Regions, as converſant in naval Affairs, and by that Means in Poſſeſſion of an Extent of Communion equal to the Powers and Neceſſities of ſuch a Community, have gain'd thence a diſtinct Intereſt, and have been accordingly often form'd into ſeparate Governments from the inland Powers, and have been able to ſupport themſelves there. Thus the *Phœnicians*, on the maritime Places of many Dominions, form'd naturally themſelves into diſtinct Governments, and could never be undone by all the Powers of the Empires, 'till thoſe who were equally ſkill'd in maritime Affairs attacked them, and then the Intereſt was not deſtroy'd but transferr'd to other Hands. In the ſame Manner the *Ionians*, on the Coaſts of *Aſia minor*, with-held the Power of *Perſia* from ſtretching out it's Hands, even to its own Coaſts; and, even amidſt all the Devaſtation of War, and Treachery of Politics, preſerv'd themſelves and their Liberty for many Ages; 'till the Intereſt was again transferr'd, * as it was often, and thro' many Hands, by new Channels of Trade being open'd, or new Inventions in naval Affairs, that transferr'd the Dominion of the Sea into ſuch Hands as were poſſeſs'd of theſe Powers. Obſerve here of the *Phœnicians*, what will hold true of the trading Powers in general, that, where-ever they ſettled on a Continent, they preſerv'd themſelves diſtinct, becauſe there the maritime and land Intereſts are not interwoven, but, where they ſettled on Iſlands or Peniſlands, they in Time became interwoven amongſt the People, becauſe in ſuch Scites the Land and Maritime are interwoven. Thus *Portugal* of our Days is naturally a diſtinct Intereſt from *Spain*,

naturally ſuits with its Situation.——*Addiſon*'s Travels. I could not but tranſcribe this in the Margin, as it ſhows, that there is Ground in the Fact for this Obſervation, tho' the Obſervation is founded on Principles very different from thoſe I purſue.

* See *Iſaac Caſaub.* Annot. in Chronic *Euſeb.* apud *Polyb.* de Imp. Maris.

and,

and, in the Courſe of Time, the Vigor of it's Principles hath eſtabliſh'd it into a diſtinct Government. Thus too the *United Provinces*, that are a diſtinct Intereſt, have likewiſe form'd themſelves into a diſtinct Government. On the contrary, where there have been many Governments founded upon one Intereſt, they have all as naturally run into one Government. What other Reaſon can be given, why *Caſtile*, *Navarre*, and other Kingdoms ſhould be ſwallow'd up by the Powers of the Greater, while *Portugal*, at that Time not more powerful, hath preſerv'd itſelf? On the Continent there are numberleſs Examples, but particularly with us at Home; *England*, * where the Inland and Maritime are intimately connected and interwove, is the Subject of one common Intereſt; and, tho' there were at firſt divers Governments upon this one Intereſt, yet muſt they in Courſe of Time, as in Fact they have, all devolve into that one of *Great-Britain*.

But then it muſt be here obſerv'd, that theſe Intereſts of a Country are ſuch only relative to the Wants and Conſumption of the Inhabitants of that Country, together with the Application of their Powers to ſuch Intereſt. A Country may be naturally portion'd out into many diſtinct Intereſts, would the People be content to live within the Produce of ſuch: Yet likewiſe it is capable of one general Intereſt, when the Application of the Powers and the Wants and Conſumption of its Inhabitants extend throughout the whole Territory. On the other Hand, it may be capable of ſeveral diſtinct Intereſts, but not be divided into theſe Intereſts, 'till the Induſtry of its Inhabitants ſhall cultivate that particular Property, which renders it capable of ſuch a diſtinct Intereſt. Thus the *Olynthii*, at the Time of the *Peloponneſian* War, ſeeing what Uſe other People made of the Produce,

* Τὲς δὲ τὴν μεσόγειαν μᾶλλον ϗ μὴ ἐν πόρῳ κατῳκημένης εἰδέναι χρὴ, ὅτι, τοῖς κάτω ἦν μὴ ἀμύνωσι, καλεπωτέραν ἕξουσι τὴν κομιδὴν τῶν ὡραίων, ϗ πάλιν ἀντίληψιν ὧν ἡ θάλασσα τῇ ἠπείρῳ δίδωσι.

Thucyd. *Lib.* 1. §. 120.

and advantageous Situation, of their Country, feeling (as it were) their natural Strength, began to find their natural Intereſt, and, by Application to it, were forming themſelves into a ſeparate and independent Government; and as *Cleigenes* of *Acanthus*, who firſt gave Notice of this to the *Lacedæmonians*, ſays: * 'What can hinder or 'forbid that they ſhould, for they have within themſelves Ship Wood 'in great Plenty, many commodious Ports and Havens, whence by 'Trade they will and do raiſe large Revenues, and are fully peopled, 'from the Fruitfulneſs and great Plenty of Stock in the Country?' Thus too it was the Application of Trade and Commerce by the *Hollanders* to the maritime Scite of the *United Provinces*, that render'd them a diſtinct People. The Diſcovery of *Portugueze Aſia* was not the leaſt Help that animated and gave Activity to the Powers of *Portugal*. On the other Hand, as where Governments, in their Nature, are founded on the narrow Baſis of Self-preſervation and domeſtic Liberty, and, in their Conſtitution, are unfit for enlarg'd Dominions. The Increaſe of Trade and Wealth, as in *Sparta* of Old, and *Genoa* in theſe Days, by increaſing the Ballance of Money above the Ballance of Land, interweaving them into the Intereſt of the Continent, would thus politically deſtroy their Independency; tho' they might by Nature have remain'd a diſtinct Intereſt and independent. Thus too *Venice*, which is a diſtinct Intereſt naturally, had well nigh politically periſhed. Hence likewiſe may be reſolv'd a Difficulty, which at firſt Sight ſeems an Objection to, but, rightly underſtood, is a Confirmation of this Doctrine. We read that in the more early Ages of the World, and in the firſt Peopling any Country, that that Country was moſtly divided into many little Kingdoms and Governments, and that always in the Courſe of Time theſe run into one. And on the contrary, in maritime Places, and ſuch Situations as were any how ca-

* Τί γὰρ ἐμποδὼν, ὅτῳ ξύλα μὲν ναυπηγήσιμα ἐν αὐτῇ τῇ χώρᾳ ἐστὶ, χρημάτων δὲ πρόσοδοι ἐκ πολλῶν μὲν λιμένων, ἐκ πολλῶν δὲ ἐμπορίων, πολυανθρωπία γε μὲν διὰ τὴν πολυσιτίαν ὑπάρχει. Zenoph. *Hellenic.* L. 5. c. 2. §. 12.

pable

pable of receiving the Application of any particular Culture or Manufacture, tho' the Inhabitants were at firſt all under one Intereſt and Empire, upon ſuch Application they always divided again into many ſeveral Powers and Empires. Now what can be found to determine preciſely, which of theſe different States of the People are founded on the natural Intereſt of the Country? Whether it be of one Intereſt, or divided into many? And why the original State of this Country, when it was divided into many free Goverments, was not as natural as when it came under the Dominion of one? It was, I ſay, equally as natural, becauſe, in the more early and ſimple Life of the World, the Wants and Conſumption, and therefore the Communion, of no State could extend ſo far, as Luxury and Vanity afterwards extended it. At the firſt any Region that had enough of Tillage and enough of Paſturage, with a Command of Water, was a diſtinct Intereſt to that People that inhabited it: And hence, in the infant Ages of Government, their Differences and Wars were merely for Elbow-Room or Water. But when Luxury, and a more extenſive Reliſh of Life, began to extend their Wants, then muſt their Communion and Intercourſe be extended, and the State eſtabliſh'd on a larger Intereſt; and ſo inverſely on the other Suppoſition. Thus ſtill we ſee it is theſe Intereſts that form Men into Communities, and that this Communion is the creating Cauſe of Government.

It being thus then, that by the Influence of Property ariſes Dominion; and by the Intervention of ſuch private Property, that particular Communities acquire a diſtinct Principle of Individuality; we are next to ſee what Influence this has in the Form or Frame of ſuch Communities; how with the Conſtituents the various Connexions and Dependencies of the ſecond Kind of Perſons upon the Firſt, the Poſſeſſors of the Property; and how the various Connexions of theſe Poſſeſſors, in Proportion to their Intereſt amongſt one another, and their reſpective greater or leſſer Intereſt over the ſecond Kind of Perſons; how theſe Connexions and Dependencies create this or that Form

of Empire or Dominion. But as ſuch kind of Propoſitions or abſtract Truths comprehend almoſt numberleſs Caſes, and are capable of as many Explanations, I will endeavour to fix one general Theorem to which they may be all referred.

I ſuppoſe we ſhall be agreed, let us found Government on what Principles ſoever, that it is that actuating Power by which a People is directed in its Actions upon thoſe Objects which it ſtands related to as a Community, that is, in regard to its Intereſt as a Community. Now this Intereſt of the Community we have found to be the whole Communion of all the Powers and Capacities of the ſeveral individual Conſtituents, conſpiring by a Conſociation of ſuch Powers into one organized Whole. Which, as it hath to itſelf a diſtinct Principle of Individuality, hath likewiſe an Intereſt of this Individuality diſtinct from that of the particular Conſtituents, conſidered as ſeparate and independent: And which, as it ſubſiſts by a Kind of Organization from the conſpiring Powers of the united Conſtituents, would be deſtroyed by any ſelfiſh, partial, or unequal Direction of thoſe Powers in the Individual. That is, thoſe Relations under which this common Intereſt exiſts, and by which it ſubſiſts, are different from, and inconſiſtent with thoſe, by which the Intereſt of the Individual exiſts, reſpecting only its partial Individuality. Now as the Whole of thoſe Relations of Things under which any Being exiſts, is called its Nature; ſo that Power in Man, which perceives thoſe Relations, is called Reaſon. And, as you ſee there are Relations conſiſtent or inconſiſtent with the true Nature, ſo there is a right Reaſon and a wrong. And as thoſe Actions which regard the true Whole of the Nature of that Being they are exerted upon, are the Actions of right Reaſon; ſo thoſe which regard only ſome partial ſelfiſh Portion, unequal to, and inconſiſtent with the Whole, and diſproportionate to the true Nature of that Whole (however, in regard to that Portion, they are at that Time right,) may be called Affection, and, in Contradiſtinction to Reaſon, Will. As in Man that uniform Tenor of the

reaſoning

reaſoning Power, that at all Times extends to the Whole of his Nature, is called right Reaſon; ſo thoſe partial and unequal Sallies of it, which by Fits and Starts confine its View to any ſelfiſh Portion of this Nature, are called Affection and Will. Hence the common Intereſt, as above deſcribed, could neither be formed nor adminiſtered by Will, becauſe Will, by the very Nature of it, is unequal to itſelf, unequal and diſpropotionate to the Whole of the Nature of this Intereſt, and many Times, as ſhall happen, abſolutely inconſiſtent with it. The right Intereſt of the whole Community, as above deſcribed, can never be limited to the Reaſon of any partial actuating Power of ſuch Community, becauſe the Reaſon of ſuch, however right it may be, in reſpect of it's partial Individuality, is, in regard to the Reaſon which ſhould guide the Whole, what Will or Affection is, in regard to Man's right Reaſon. The Reaſon then of *that* actuating Power only, whoſe Intereſt extends to and circumſcribes the Intereſt of the Whole, can be the right Reaſon of the Whole. Where then the Ballance of Property or this Intereſt is, there will be the right Reaſon of the Whole; and, where this Intereſt is, there will be the Power, not an abſolute irreſiſtible Power, but a Power to controul the Will of the Whole, becauſe by its Connexion with this Intereſt it ſubſiſts by it, and becauſe, tho' Will may not in every particular Inſtance ſee this it's right Intereſt, yet the reaſoning Part has ſuch Influence, by Means of all the inciting Objects, that can affect Will, being in it's Hands, that it does in every Inſtance lead it. Having therefore ſhown that the Power, Reaſon, and Will of the whole Community are naturally connected, and connected under the Intereſt of the Whole, and reſide where is found the Ballance of the Property in the Community; which Ballance is determined by the Scites and Circumſtances of a Country and it's People: We will venture to ſay, in the Words of Mr. *Harrington*, that * " all Government is In-

* *Harrington*'s Syſtem of Polit. Chap. 2. Aphoriſm 10, &c.

tereſt,

" tereſt, and the predominant [Intereſt] gives the Matter or Founda-
" tion of Government. If one Man's be the Whole, or two Parts in
" three of the whole Land or Territory, the Intereſt of one Man is
" the predominant Intereſt.

" It a few Men have the Whole, or two Parts in three of the
" whole Land or Territory, the Intereſt of the Few, or of the No-
" bility, is the predominant Intereſt, and, were there any ſuch Thing
" in Nature, would cauſe a pure Ariſtocracy.

" If being ſo that pure Ariſtocracy, or the Nobility having the
" Whole, or two Parts in three of the whole Land or Territory,
" without a Moderator or Prince to ballance them, is a State of War,
" in which every one, as he grows eminent or potent, aſpires to Mo-
" narchy: And that not any Nobility can have Peace, or can reign,
" without having ſuch a Moderator or Prince, as on one Side they
" may ballance and hold in from being abſolute, and on the other
" Side may ballance or hold them and their Factions from flying out
" into Arms: It follows that, if a few Men have the Whole, or two
" Parts in three of the whole Land or Territory, the Intereſt of the
" Nobility, being the predominant, muſt of Neceſſity produce regu-
" lated Monarchy.

" If the Many or the People have the Whole, or two Parts in
" Three of the whole Land or Territory, the Intereſt of the Many,
" the People, is the predominant Intereſt, and cauſes Demo-
" cracy."

But we will not reſt ſatisfied with this:—However the Theory may hold good in Terms, and howſoever thoſe Terms may accord within themſelves. The bare abſtract Type of Truth is not ſufficient Proof in theſe practical Sciences: Let us look out to the Things themſelves, not for Circumſtances that ſeem to favour it, and mutually require ſuch an Hypotheſis to ſolve their Workings; not making this the Standard, and then applying to it ſuch ambiguous Appearances as would ſuit to any Rule (which, to the Opprobrium of Mathematic Reaſoning,

Reaſoning, hath been too much the Method of the Geometric Theoriſt). But let us only then regard it, while we find it Hand in Hand with Fact, ſo cloſely wedded to real and practical Truth, that it exiſts but in that Conjunction; and, when it would take one Step further than that is able to go, let us no more regard it; away with it to the vagrant Company of thoſe viſionary *Exuviæ* of the *Epicurean*,

Quæ quaſi Membranæ ſummo de Corpore Rerum
Decerptæ volitant ultro citroque per Auras.

There may be many a Syſtem, like the perpetual Motion, that ſhall boaſt every Requiſite of Truth in Theory, and have ſuch flattering Appearances in Fact, that we may ſet it a going; but if we are ſatisfied with this firſt Succeſs, and call in our Friends to ſee this long-wiſh'd for Effect, we ſhall ever, to our Diſgrace, find, that ſome latent fundamental Error hath put it to a Stand. If therefore this Theory be true, it ſhould not only be able to account for here and there a looſe detach'd Fact, but be found at all Times, and in all Events, ſo intimately interwove with the Facts themſelves, that the Event is in Part an Effect of this as a Cauſe. And indeed it hath always been found ſo to operate, by the Men beſt able to ſee its Operations, the Legiſlators and Founders of Governments. And accordingly, whenever they have found it Policy, or thought it proper, to ſupport or frame any particular Form of Government, they have ever had eſpecial Care to the throwing this Foundation into ſuch Modes and Portions, as ſhall be productive in Practice of ſuch a Form. And whenever they have found a People in Confuſion, from their acting after one Form of Policy, while the Ballance that has ſhifted requires another Form, they have ever been ſucceſsful in reſtoring Peace, by putting the People into that Frame that ſuch a Foundation requires, and will act with. For, as *Ariſtotle* ſays, " there " are two Things to be regarded in Policy: Firſt, whether ſuch Po-

" lities

" lities be originally right in Nature, and then whether they contain " any Thing in their Foundation incongruous to their Conſtitution. * " But one Thing more; before I quote any Examples, I muſt obſerve from Mr. *Harrington*, that thoſe Examples may not be miſunderſtood; namely, that † an Ariſtocracy or State of Nobility, to exclude the People, govern by a King; and, to exclude a King, muſt govern by the People: Nor is there, without a Senate or Mixture of Ariſtocracy, any popular Government. Whence, tho', for Diſcourſe Sake, Politicians ſpeak of pure Ariſtocracy and pure Democracy, there is no ſuch Thing as either of theſe in Nature, Art, or Example.

But to proceed —— We find that *Joſeph* (the moſt ancient ſcientific Lawgiver that the Hiſtory of Man knows, and Founder of the wiſeſt Polity that perhaps ever was) we find I ſay, that, in his eſtabliſhing the *Egyptian* Monarchy, he contrived to throw two Parts in three of the whole Land or Territory into the Hands of the Monarch, that the Ballance of Power might be where the Government was. I ſay two Parts in three, becauſe he bought all the Land, except that which belonged to the Church, ‡ which was one Third. And to ſecure the Government, by ſecuring this Ballance from recoiling, " he removed the People to Cities, from one End of the Borders of " *Egypt*, even to the other End thereof §;" that ſo he might eraſe out of their Hearts the very Memory of their Houſe and Home. And accordingly this Ballance, and this Monarchy, continued uninterrupted and uncorrupted for more Ages than any other, before or ſince.

On the contrary we ſee that *Moſes*, whoſe Order was to eſtabliſh a Commonwealth, does accordingly inſtitute an equal Diſtribution of

* Ariſt. *Lib.* 2. *cap.* 9.
† The Art of Lawgiving, *B.* 1. *c.* 4.
‡ Diodorus Sicul. *Lib.* 2.
§ Geneſis, Chap. xlvii. *v.* 21.

the

the Land of *Canaan* amongſt the People, making the Number of Lots equal to the Number of Freemen. " To theſe the Land ſhall " be divided for an Inheritance, according to the Number of Names. " To the many thou ſhalt give the more Inheritance, and to the " fewer thou ſhalt give the leſs Inhertance " *.

Upon the ſame Principles, to the ſame Purpoſes, ſhall we find the Government of *Crete* founded, whether *Rinos*, or ſome more ancient King of the Iſles, was their Founder; we find the Country divided into many equal Shares or Fees, which could not be alienated in Part ſo as to become otherwiſe divided; nor could any two of them be conſolidated into one, by any Accumulation whatever.

In like Manner and from this Model did *Lycurgus* form the *Spartan* Government, by dividing their Territory into many equal Shares, that there might be a Ballance of Property ſuitable to the equal Powers of a Republic †, and that he might take away all Occaſion of Inſolence, Envy, and Contumely, and all Luxury, and thoſe yet more rooted and noxious Maladies of Government, the Inequality of Riches and Poverty. He prevailed with the Poſſeſſors to give all their Property in to the Community, and receive it again under a more even equable Diſtribution, that they might live upon even and equal Terms with one another, as common equal Conſtituents of the Public Community, whoſe Intereſt was in common. And ſo abſolutely neceſſary did he ſee this Foundation to be to the very Being of the Republic, that he guarded it's Continuance, by all Ways and Means that he could deviſe, wherever he ſuſpected it liable to be corrupted. And by ſome indeed ſuch Means, ſo diſcongruous to Human Nature, that, in the moſt abject Degree of Slavery, it would ſcarce bear with, and which indeed incroach further upon the Right

* *Numbers, Chap.* xxvi. *v.* 55.

— † Ὕβριν καὶ φθόνον καὶ κακουργίαν καὶ τρυφὴν καὶ τὰ τούτων ἔτι πρεσβύτερα καὶ μείζω νοσήματα πολιτείας Πλοῦτον καὶ Πενίαν ἐξελαύνων, καὶ ξῆν μεθ' ἁλλήλων ἅπασιν ὁμαλεῖς καὶ ἰσοκλήρους τοῖς βίοις γενομένους.

Plutarch. *in Vita Lycurgi.*

of the Individual, than any Government can have any Right to do. Yet ſuch unnatural Policy always becomes neceſſary, where Polity is conſtrain'd beyond the Garb of Nature. Still Nature will recoil, and ſuch forced Schemes become impracticable; for, in ſpite of all Precaution, Property, like the heavy Bearing of the Sea, will work itſelf ſome Breach thro' this artificial Back, and with it's Deluge bear down all before it, 'till it find it's own natural Level. And accordingly we find this Conſtitution thus perverted, whether by the Force of Nature, or the Fault of the Legiſlator, or both, I know not. * *Ariſtotle*, who loves to triumph over the Faults of others, ſays, that, by a Fault in the very Foundation of the Government, it was thus liable to be corrupted: For tho' the Legiſlator had equally divided the Property, and provided for the keeping and preſerving theſe Shares intire and ſeparate, by forbidding that any Fee ſhould be alienable by Sale or Purchaſe; yet, as the Landholders were capable of making or receiving a Deviſe, the ſame Effect took Place. And thus it came about, that ſome were in Poſſeſſion of ample and affluent Fortunes, while others were in very indigent and narrow Streights. But it more eſpecially appears by this, that † whereas the Whole of the Fees was capable of ſupporting a Muſter of fifteen Hundred Horſe, and thirty Thouſand Foot; there were ſcarce a Thouſand Landholders, into ſo few Hands had the accumulated Property converged. And in like Manner we read in *Zenophon*, "If any one now "ſhould aſk me, whether the Laws of *Lycurgus* ſeem likely at this "Time to remain firm and uncorrupted, I dare not affirm any ſuch "Thing;" and he then proceeds thro' the whole Chapter to give theſe Reaſons ‡——for as already the People have deſtroyed that Ballance, upon which they were founded, by introducing Riches and

* De Repub. *Lib.* 2. *c.* 9.

† — Δυναμένης τῆς χώρας χιλίους ἱππεῖς τρέφειν καὶ πενλεκοσίους καὶ ὁπλίτας τρισμυρίους, οὐδὲ χιλίοι τὸ πλῆθος ἦσαν· γέγονε δὲ διὰ τῶν ἔργων αὐτῶν δῆλον ὅτι φαύλως αὐτοῖς εἶχε τὰ περὶ τὴν ταξιν ταυτην.

Ariſt. *Lib. de Repub. Lib.* 2. *cap.* 9.

‡ Εἰ δὲ τίς μὲ ἔροιλο, εἰ ἔτι καὶ νῦν μοὶ δοκοῦσιν οἱ Λυκούργυ Νόμοι ἀκίνηλοι διαμένειν, τοῦτο μὰ Δία οὐκ ἂν ἔτι θρασέως εἴποιμαι. Οἶδα γὰρ πρότερον μὲν Λακεδαιμονίους αἰρουμένους οἴκοι τὰ μέτρια ἔχονλας αλλήλοις συνεῖναι μᾶλλον—&c.— *Zenop.* Lacedæmoniorum Politia. *Cap.* 14.

unequal

unequal Property, they have already corrupted the Conſtitution. Partakers of the ſame Fate, thro' the ſame Effects, were the other two Siſter Governments of *Crete* and *Carthage*; and in the End, likewiſe, was the Republic of *Iſrael* thus corrupted: When in the latter Days the Divinity of their Policy was withdrawn, and they left to adminiſter their State by the Human. But what was a Fault in the Foundation of thoſe Governments of Human Inſtitution, ſeems by the Divine Legiſlator to have been mixed purpoſely in this, as a natural Means of Corruption to bring it to it's End, when it ſhould be ſtripped of it's Divine Support, and when it's appointed Hour, the Fulneſs of Time, ſhould come.

Built preciſely on the ſame Foundation, and of ſimilar Structure, as partaking of the ſame common Principles of Nature, were thoſe ancient Governments of Northern *Europe*, beſt known by the Name of *German*, or *Gomerian*; I have ſaid, as partaking of the ſame Principles, but I am rather inclin'd to think theſe the Prototype of this Policy, and of this Nature of Government, and that thoſe of *Greece* have all aroſe out of this Syſtem: Of which ancient Governments the Memory, and almoſt Name, is loſt, except what imperfect Hints are able to be collected from thoſe who have been curious to ſearch out the broken *Veſtigia* and Ruins of ſo noble a Structure; which Remains we will the rather endeavour to explain, becauſe, as in them we may ſee the firſt Eſſays of this Policy, at the ſame Time that we ſee the firſt rude Traces of infant Government, we may the more diſtinctly obſerve the Connexion and Influence they have ever had on one another reſpectively, how the Origin of the one has been the Creating of the other; and how every Proceſs in the former has been conſtantly attended with ſome correſpondent Refinement and Revolution in the latter; and as perhaps it may, in ſome Meaſure, illuſtrate the Hiſtory of thoſe Inſtitutions which did originally give Riſe to all the preſent Governments of *Europe*.

Now that *Japhet* was extended and had peopled what is called *the Iſles of the Gentiles*, is beyond all Doubt: And that, by theſe *Iſles*

of the Gentiles, is underſtood the maritime Parts of the *Mediterranean*, comprehending *Greece*, *Italy*, and all *Europe*, is univerſally agreed; and that all theſe Parts, by the Intercourſe of Commerce, becoming as it were linked into one Intereſt, became, in the Time of *Jupiter*, the Baſis of one great Kingdom, might be prov'd (were it a Point in the preſent Caſe) to all reaſonable Satisfaction.

* *Manis*, or *Man*, was the firſt that we know of, who began to extend an Empire over theſe Dominions, and which firſt took its Riſe in *Phrygia*, in the Reign of whoſe Grandſon *Uranus*, the whole Kingdom being in Rebellion and Confuſion, and all his Family in Faction, † *Uranus*'s Son, *Saturn*, or *Cronos* (called originally *Ilos*, after his Grandfather *Eliona*) working himſelf into the Lead of the military Party, and joining with his Mother *Ge*, drove his Father out of his Kingdom, and ſucceeded in the Imperial Power or Office: And ſeeing that the People were no longer capable of being govern'd by the Patriarchal Kind of Government, which they had been under hitherto, he framed them into a regular Empire, and ‡ was the firſt that took upon himſelf the Forms and Power of a King.

He began this Work by the Aſſiſtance of his Mother (§ after whom the Kingdom was denominated, according to her *Celtic* Name;

* Celebrant Carminibus antiquis Tuiſtonem Deum Terra editum, & Filium Mannum Originem Gentis Conditoreſque. *Tacit.* German.

Φεύγες δὲ μέχρι νῦν τὰ λαμπρὰ καὶ θαυμαστὰ τῶν ἔργων Μανικὰ καλοῦσι, διὰ τὸ Μανίν τινα τῶν πάλαι Βασιλέων ἀγαθὸν ἄνδρα καὶ δυναστὸν γενέσθαι παρ' αὐτοῖς. Plutarch. *de Iſide & Oſiri*, §. 24.

† *Sanchoniath.*

‡ Pherecydes apud *Tertullianum* de Corona. *Cap.* 17. *Sanchoniath.*

§ ——— καὶ διὰ τὸ κάλλος ἀπ' αὐτῆς ἐκάλεσαν τὴν ὁμώνυμον Γῆν. *Sanchoniath.* ——— In the ſame Manner as at this Time the Empire took it's Name from *Ge*, in the ſame Manner afterwards it was called *Europe*, or ſomething ſynonymous to that, after the favourite Miſtreſs that *Jupiter* ſtole from *Phœnicia*. That the Name of any Miſtreſs of any little petty King of *Crete* ſhould be derived upon ſo large a Quarter of the World, that had no Connexion with this Corner, or whoſe Parts had no Connexion with each other, is palpably abſurd: But that the favourite Miſtreſs of a great Monarch ruling over all this Tract of Country ſhould give her Name to it, there is Example in Hiſtory, and in the Hiſtory of this very Kingdom.

Hertha)

Hertha) and the Council of his Secretary * *Taaut*. His firſt Step was to deſtroy all † Diſtinction of Property as held by private Poſſeſſors, ‡ making the Whole become the Property of the congregate Whole of the People, become now a one Community, and every Poſſeſſor only a Tenant holding under that Community by the Year. And accordingly he divided the Whole into Shares or Lots, and || diſtributed them to the ſeveral Families or Clans, according to the Number of Landholders in ſuch Clan; the reſerv'd Rents of which were the Revenue of the whole Community, to ſupply the Services and Neceſſities of the State, and the Appointments of the Crown and Magiſtracy. And to a Government in ſuch Circumſtances, which made it neceſſary, almoſt every Age, to diſcharge its Overburthen of People by great Colonies, no Policy could be better adapted; for, while they were forced to change their Houſe and Home yearly, there could be none of that habitual Love of Home, which, conſidering ſuch Migrations as very grievous and like Baniſhment, might obſtruct this neceſſary Meaſure: § And this Reaſon themſelves gave of this Eſtabliſhment. Another Reaſon which they likewiſe give of this Policy is this, that the Property was deſignedly ſo equally divided, and in common diſtributed, * as a natural Foundation of a De-

* Ὃν Αἰγύπλιοι μὲν Θωὼς, Ἀλεξανδρεὶς δὲ Θωὸθ, Ἕλληνες Ἑρμῆν ἐκάλεσαν. *Sanchoniath.*

† Sub illo nihil erat cujuſquam privatum——nec ſignare Solum aut partiri Limite Campum Fas erat, in Medium quærebant.——*Microbii* Saturn. *Lib.* 1. *cap.* 8.

‡ Nec quiſquam agri Modum certum aut Fines proprios habet, ſed Magiſtratus & Principes in Annos ſingulos Gentibus Cognationibuſque Hominum qui unà coeunt, quantum & quo Loco viſum eſt Agri attribuunt. *Cæſar* de Bell. Gall. *Lib.* 6. §. 20.

Privati ac ſeparati Agri apud eos nihil eſt, neque longiùs Anno remanere in Loco colendi Cauſa licet. Ibid. *Lib.* 4. §. 2.

|| ——Pro Numero Cultorum. *Tacit.* Germ. §. 26.

§ Nè, aſſiduâ Conſuetudine capti, Studium Belli gerendi Agriculturâ commutent. *Cæſar* de Bell. Gall. *Lib.* 6. §. 20.

* Nè latos Fines parare ſtudeant, potentioreſque humiliores Poſſeſſionibus expellant, ——nè qua oriatur Pecuniæ Cupiditas, quâ ex Re Factiones Diſſenſioneſque naſcuntur: Ut Animi Æquitate Plebem contineant, quum ſuas quiſque Opes æquari cum potentiſſimis videat. *Cæſar* de Bell. Gall. *Lib.* 6. §. 20.

mocracy,

mocracy. And ſuitable to as conſequent on ſuch a Foundation we find ſuch a Democracy, a * Senate deliberating, the King or any of the Senate propoſing, and the whole People confirming. The ſupreme executing Magiſtrate † was elective by the Voice of the Whole, but only ‡ out of a particular Order. Amongſt the moſt ancient Traces we can find of this Government, we ſee the People divided into Tens and Hundreds, where every Man, as of equal Property, was of equal Power, and equally capable, in his Turn, of being elected Magiſtrate of his reſpective Tything or Hundred, where all and every one were equally bound to that private Community in particular, and the State in general, for the peaceable and good Behaviour of the Whole, and every Individual of that Community in particular, and the Support of the State in general: Only the Execution of the Powers of this leſſer Community reſided in the Hands of one of them, appointed by the Election of the reſt, who was call'd the *Teothyng-Ealdor*, or *Teothung-Man*. Again, an Hundred of theſe leſſer Communities combin'd made another Orb of Government called a *Centrig*, whoſe reſpective Magiſtrate was called a *Centgrave* or *Centgereſa*. Now that this was the Inſtitution in *Saturn*'s Reign is plain, as we have ſeveral of the Names of ſuch, and the Names of their ſeveral Hundreds, in which Names we may ſee clearly pointed out their very Office. We read that || *Aſtarte*, *Demaroon*, and *Adodus* ruled over their reſpective Regions or Provinces, according to the Inſtitution, or by the Authority of *Cronos*. ** *Athena* too had the ſame Kind of Office given to her in *Greece*. We likewiſe find *Cottus*, *Gyges*, and

* De minoribus Rebus Principes conſultant, de majoribus omnes, ita tamen ut ea quoque, quorum penes Plebem Arbitrium eſt, apud Principes pertractantur; ſi diſplicuit Sententia Fremitu aſpernantur, ſin placuit Frameas concutiunt. *Tacit.* de Mor. Germ. §. 11.

† Eliguntur in iiſdem Conſiliis. §. 12.

‡ Ex Nobilitate. §. 7.

|| Ἀσάρτη ἡ δὲ μεγίστη καὶ Ζεὺς Δαμαρούς, καὶ Ἄδωδος Βασιλεὺς θεῶν ἐβασίλευσαν τῆς χώρας Κρόνου γνώμη. *Sanchoniath.*

** Ibid.

Briareus

Briareus in ſome ſuch Power or Office. Theſe the *Grecians* childiſh or politic Ignorance of Antiquity (from a Similitude of two Words ſignifying different Things) fabled into Giants with an hundred Hands; but the Matter is diſenveloped of it's Fable by * *Palæphates*, who ſays, that they were really Princes dwelling in Cities called *Centrigs*. And in the Name of the laſt of theſe, † which we are told was not the perſonal but honorary Name, in *Briareus*, I ſay, we may ſee the Ruins of the original Name *Freyheeren*, or *Baroheeren*, which was the honorary Name of theſe great Officers.

All the executive Power, as it related particularly to theſe diſtinct Tythings, or Freeburgs, were executed by the reſpective Repreſentatives of ſuch; when any Matters were to be ſettled that extended to the Concerns of the Hundred, ſuch were executed by the Centgrave, ‡ together with the Hundred Tythingmen for that Year; and thus we would underſtand *de minoribus Principes*. But if any Thing came upon the Tapes that extended further, or concerned the Whole, then ſuch Matter was determined by the Deliberation of all the Magiſtrates of that Year, and confirmed by the Reſult of the whole Congregation.

But tho' *Saturn* left the Execution of all civil Matters thus in the Hands of the People, as well as the Property, which is the very Eſſence of a Democracy; yet he took, as the Archon or General, the Military, intirely into his own Hands, and appointed the Leaders himſelf. Now the *Phœnician*, from whom in Part we collect theſe Matters, tells us, that theſe were called *Eloïm*, whence the *Greeks* added the Title of *Theoi*, or *Gods*, to the real Name which they had learnt,

* Φασὶν ἓν περὶ τέτων ὡς ἔχον ἑκατὸν χεῖρας, ανδρες ὄνλες πῶς δὲ ἐκ εὔηθες τὸ τοιῦτον; τὸ δὲ ἀληθὲς ἔτως, τῇ πόλει ὄνομα Ἑκατονχειρία, ἐν ᾗ ᾤκεν. De Incredib. Hiſt. *Cap.* 21.

† Ὃν Βριάρεων καλέεσι θεοὶ, ἄνδρες δέ τε πάνλες
Αἰγαίων' ——— Iliad. 1.

‡ Centeni ſingulis ex plebe Comites, Conſilium ſimul & Auctoritas, adſunt. *Tacit.* §. 12.

namely,

namely, that of *Gigantes* *, whom they deſcribe as great Officers or Warriors. I ſay, it ſeems to me that, in the Word *Gigantes*, we have really the Veſtiges of the old *Saxon* or *Celtic* Expreſſion, for the Leader of an Army, called *Wigang* or *Guigang*. † We are told that this was their original Name, tho' afterwards in Deriſion they were called *Titans*, from the Word *Tihtan*, ſignifying to *conſpire*, or from *Tith*, ſignifying *Earth*, ‡ called *Earthborn*, as if, inſtead of attending to their Duty, they had employed their Forces in Agriculture, ‖ a Thing moſt diſgraceful among the *Germans*, and moſt infamous for the Army.

But altho' originally the Fixation of the Ballance was as above, that the private Landholders were only Farmers of the Fees of the Community; yet § we read of private Demeaſns that were not thus changed annually, and we find ** a Diſtinction of Perſons ariſing from Opulency, †† and Mention is made by ſome even of Hereditary Eſtates. Now theſe are Facts ſo directly contrary to what, from Facts of equal Validity, is ſtated above, that, had we nothing to direct us in judging of theſe detached Hints, we muſt ſuppoſe them to be ſpoken of different Times, and that the Firſt refer to the original Inſtitution, and the latter Account to thoſe Times when the original Fixation was ſomewhat corrupted. As we have ſeen above that this

* ——————— μεγαλούς τε Γίγαντας
Τεύχεσι λαμπομένους, δολιχ' ἔγχεα χερσὶν ἔχοντας. *Heſiod.* Theog. v. 185.
† Τοὺς δὲ Πατὴρ Τιτῆνας ἐπίκλησιν καλέεσκεν
Παῖδας νηχείων μέγας Οὐρανὸς, οὓς τέκεν αὐτός,
Φάσκε δὲ τιλαίνονλας ἀτασθαλίῃ μέγα ἔργον ——————— v. 207.

‡ Ἐκ τούτων δὲ Ἀγρόται, καὶ Κυνήγοι οὗτοι δὲ καὶ Ἀλῆται καὶ Τιλῆνες καλοῦνται. *Sanchoniath.* *Heſychius* thus explains the Word Γηγενεῖς. — γηγενέων — τῶν τὰ γήϊνα ἐργαζομένων καὶ ἀμαρτανόντων.

‖ Ἀργὸν εἶναι κάλλιστον. γῆς δὲ Ἐργάτην ἀτιμοτάτου. *Herodotus*, *Lib.* 5.

§ Arva per Annos mutant, & ſupereſt Ager. *Tacit.* Germ. §. 26.

** Locupletiſſimi Veſte diſtinguuntur. §. 17.

†† Dr. *Moſcon*, Hiſt. of *Anc. Germ. Book* 2. §. 34. *Bacon* on Govern. *cap.* 47. *Cæſar* de Bell. Gall. *Lib.* 6. §. 13. *Tacit.*

Level

Level of Property was ſo fixed as a natural Foundation of a Democracy adminiſtered by a Prince, in Proportion as we find this corrupted, we find in Proportion the Power of the Few extended to the Abridging the Prerogative of the Prince, and to the Excluſion of the Rights of the People. Thus amongſt the *Gauls*, who were a Colony or rather a diſſevered Branch of this ancient Government of the *Gomerians*, when they had been ſome Time ſettled, * and had in ſome Meaſure applied themſelves to Trade and Commerce, † we find the Diſtinction of private Property, and accumulated and hereditary Eſtates. And accordingly we find, in *Gaul*, ‡ an Ariſtocracy grown up to the Subverſion of the very Office of Prince, and to the actual Excluſion of the Rights of the People. We read of the Growth of a like Ariſtocracy amongſt the *Britons:* Formerly, ſays *Tacitus*, they were governed by Kings, but now are torn and diſtracted by the Power of a factious Ariſtocracy.

But this Form of Government was, even in it's original Inſtitution, liable to the Ariſtocratic Oligarchy; § for tho' perhaps it may be ſaid that the Accumulating vaſt Eſtates was ſufficiently awarded by the Cuſtom which preſcribed that the Property of the Head of the Family ſhould be divided equally amongſt all his Sons, or, in Failure of ſuch, to all his Heirs of the next Degree of Kindred. Yet ſuppoſe this to be a Fact ſufficiently grounded (which ſome ſuſpect 'tis far from being) yet, in the ſame Manner in which the Land in general was

* We read of Merchants going amongſt them, tho' not in a regular Way of Commerce or Exchange of Commodities. *Cæſar* de Bell. Gall. *Lib.* 4. §. 2. & 5. and we read of a very advanced State of their Navigation. *Lib.* 3. §. 12. & 13.

† *Cæſar* de Bell. Gall. *Lib.* 6. §. 17.

‡ In *Gallia* non ſolum in omnibus Civitatibus atque in omnibus Pagis ſed pene etiam in ſingulis Domibus Factiones ſunt. Earumque Factionum ſunt Principes, qui ſummam Auctoritatem eorum Judicio habere exiſtimantur; quorum ad Arbitrium Judiciumque, ſumma omnium Rerum Conſiliorumque redeat. *Cæſar* de Bell. Gall. *Lib.* 6. §. 11.

§ Olim Regilus parebant, nunc per Principes, Factionibus & Studiis trahuntur. De Vita Agricolæ. §. 12.

held of the ſupreme Magiſtrate in Capite. In the ſame Manner was all the Land of a particular Clan held of the Head of that Clan; * he received, in Conſequence of ſuch Tenure, certain reſerved Rents as his private Property: And every Family having a Portion of Land according to the Number of Landholders in that Clan: Such a Prince, or Head, would not only become more powerful in the Number of his Tenants, but alſo in his Revenues. So that a numerous Clan, thus centering under an intriguing and active Head (eſpecially if ſuch Head was one of the *Principes*, the Nobility, under whom would conſpire a Subordination of another Nature) and a Number of ſuch Heads, finding it their Intereſt to aſſociate, would inevitably eſtabliſh an Ariſtocracy too powerful for either Prince or People to withſtand, and would govern either by the one or the other, to the Subjecting of both, juſt as they ſaw convenient.

Now, from what dark Traces we can collect of this obliterated Hiſtory, it does appear, that the Event was ſo in Fact. For *Saturn*, finding that theſe *Centgreives* or *Freyheerens*, were become to have ſuch Lead and Influence in the Commonwealth, as to be of great Weight in the Scale againſt the Prince, he grows ſo jealous of them that he throws ſeveral of them into Priſon, † as particularly *Gyges*, *Cottus*, and *Briareus*, and comes to a Reſolution to murder all his Children, ‡ that they might not have any one that could have a Pretence to be at the Head of a Party againſt him. But the Ariſtocracy ſtill increaſing, ‖ and the rather more confirmed and leagued together by theſe Meaſures of his, he was forced to put himſelf into the Hands of the Leaders of his Army. Who take this Opportunity

* Mos eſt Civitatibus ultrò ac viritim conferre Principibus vel Armentorum vel Frugum, quod pro Honore acceptum, etiam Neceſſitatibus ſubvenit. *Tacit.* Germ. §. 15.
Frumenti Modum Dominus, aut Pecoris, aut Veſtis, ut Colono injungit, §. 25.

† *Heſiod.* Theog. *ver.* 616.

‡ Τὰ φρονέων, ἵνα μή τις ἀγαυῶν Οὐρανιώνων
Ἄλλος ἐν Ἀθανάτοισιν ἔχῃ βασιληΐδα τιμήν. v. 461.

‖ Ὡς πάντας ἐκπεπωλῆχθαι θεὸς τὴν Κρόνου γνώμην. Sanchoniath. *apud* Euſeb. *Lib.* I

to

to ſet up for themſelves, and confine him in *Erebus*, (which perhaps may be the *Greek* Pronunciation of *Hereboth*, which ſignifies the Station of the Army, the Place of Rendezvous, or Head-quarters;) but *Jupiter* his Son, by the particular Circumſtances of his Education in *Crete*, ſeeing the great Weight and Power of the growing Ariſtocracy, and by the ſame Circumſtances being peculiarly connected with the maritime Parts where it moſt prevailed, and had been gaining Strength from the Time of *Uranus* (for in that Time we find *Pontus* rebelling, and able to ſupport himſelf againſt all the Power of *Uranus)* and ſtill farther, by Improvement in Shipping and a greater Extent of Navigation and Commerce, the Naval Power had been increaſing every Day, till, from a neglected and inconſiderable Branch of the Kingdom, it became not only the moſt conſiderable, but, under the Influence of *Pluto*, *Hecate*, *Neptune*, and other great Perſons of Power in thoſe Parts, abſolutely the Center of the whole Power of the Empire. Now this young Prince, bred as it were in the very Boſom of this Intereſt, had ſeen enough not to fancy, as his Father did, that he could overbear it, by creating popular Attachments and Intereſts in Oppoſition to it, or break it by violent Meaſures; was wiſe enough to ſee and follow the Channel where the Current of Power ran, and, having Art to apply theſe Incidents and Circumſtances to the working himſelf to the Head of this Party, took the Lead of this prevailing Intereſt, and * became thereby able to releaſe his Father from Priſon, and the Uſurpation of the *Titans*, and † likewiſe did endeavour, by reſtoring the great Barons to their Liberty, to reſtore the Peace and Liberty of the State, ſetting it's Power on it's true Baſis. But this ſtill more inflaming the burning Jealouſy of *Saturn*, and his Prejudices being invincible, inſtead of falling into theſe ſalutary Meaſures, he flies out into an open Breach with this

* *Ennius* apud *Lactant.* Inſtit. *Lib.* 1. *cap.* 14.

† Ἀλλὰ σφέας Κρονίδης τε καὶ ἀθάνατοι θεοὶ ἄλλοι
Γαίης φραδμοσύνῃσιν ἀνήγαγον ἐς φάος αὖτις. Heſiod. *Theog.* v. 624. & 6.

Party, and gives them a good and legal Pretence of breaking out into open Rebellion againſt him. The Tide of Power ſetting thus ſtrong this Way, *Jupiter*, for his own Safety and the Security of the Kingdom, falls in with the Current, * and fully explaining his Inclinations to the Intereſt, and Attention to the Claims, of this Ariſtocracy, becomes the Darling, and is made the Head of the Expedition. He firſt ſeizes and ſecures his Father's Perſon, and, then after a tedious War, and many ſharp Conflicts, expels the *Titans* out of the Kingdom, driving them into *Tartarus*, which we would willingly imagine we could prove to be no other than † *Tartary* or Upper *Scythia*.

‡ *Jupiter*, being thus in quiet Poſſeſſion of the Throne, by the Aſſiſtance and Intereſt as above, § if not under a Form of Election, applies himſelf to the Regulating this great Empire, which, as the Intereſt was greatly extended, and the Ballance of Power ſhifted, ſtood now on the Baſis of quite another Intereſt, and therefore required another Form of Orders and Subordinations. For theſe great Allies, theſe *Dii Conſentes*, of whom the Ariſtocracy conſiſted, and under whom (each in his reſpective Diſtrict or Province) the Lead or In-

* Εἶπε δὲ ὃς ἂν μετὰ εἷο Θεῶν. Τίτησι μαχοῖτο,
Μή τιν' ἀποῤῥαίσειν γεραών, τιμὴν δὲ ἕκαστον
Ἐξέμεν, ἣν τοπάρ- γε μετ' ἀθανάτοισι θεοῖσι
Τὸν δ' ἐφαθ' ὅστις ἄτιμ- ὑπὸ Κρόνῳ ἠδ' ἀγέρας-
Τιμῆς ᾗ Γεράων ἐπιβήσεμεν, ἦ θεμις ἐστί. v. 392.

† Ταρταρα τ' ἠερόεντα μυχῷ χθονὸς εὐρυοδείης. Heſiod. *Theog.* v. 120.
The Extremities of the Earth are paraphraſtically called Τάρταρα Γαίης, v. 840.
But, to truſt no further to Arguments drawn from the Licence and Uncertainty of Deſcription, take this philoſophic Determination of it's Latitude.——————ὅθι Νύξ τε ᾗ Ἡμέρα ἄσσον ἰοῦσαι
Ἀλλήλας προσέειπον. —— v. 747.

‡ ——————————— ὁ δ' οὐρανῷ ἐμβασιλεύει
Κάρτεϊ νικήσας πάτερα Κρόνον. Εὖ δὲ ἕκαστα
Ἀθανάτοις διετάξεν ὁμῶς, ᾗ ἐπέφραδε τιμάς. Heſiod. v. 71.

§ Αὐτὰρ ἐπεί ῥα πόνον μάκαρες Θεοὶ ἐξετέλεσσαν
Τιτήνεσσι δε τιμάων κρίναντο βίηφι
Δὴ ῥα τοτ' ὦτρυνον βασιλευέμεν ἠδὲ ἀνάσσειν. v. 880.

tereſt

tereſt of the whole Empire did in Effect center, would naturally claim as Right, in ſuch a Revolution as this, what they had acquired by Power. * He therefore ſettles the Empire on it's natural Baſis, by ſubordinating the ſeveral Orders of the Government, in a legal and conſtitutional Manner, to this acquired Power of theſe great Peers: And, accordingly, we find him dividing his whole Kingdom into Circuits or Circles, put under the Government of theſe Viceroys, who were anſwerable to him, by Oath of Allegiance, for themſelves and their reſpective Provinces: Yet all this with the Appearance of their being elected by their People, which, in Fact, took the Power out of his own Hands, and, in the Event, threw it into thoſe of the Ariſtocracy. Now, in their Number being Twelve, we may ſee the Riſe of that Eſtabliſhment of the ancient *Germans* dividing their Governments into twelve Circles or Counties. Another Point that the Ariſtocracy gained of him was, that the Leader of the Army ſhould for the Future be choſen by the People out of their own Magiſtrates; this was in Effect putting the Army into the Hands of the Ariſtocracy, in whoſe Hands the People were. Now as the Ariſtocracy gained theſe Points upon him, by affecting to build upon the Intereſts of the People: There is a material Point in his Favour, that he took the ſame Pretences to preſerve, as it was expreſly built upon this ſame Intereſt of the People, that is, † the preſerving the Powers of the Centgreives and Tythingmen in their reſpective Hundreds and Tythings; for ſurely we may ſay, he contrived to continue theſe Earls to be a Counterballance and Check upon the great Regents of the Provinces, as the Event points out this very Uſe and Application

* Ὡς τ' Ἀθενῆ δάσσαιλο, καὶ ὡς Τιμὰς διέλεινλο. v. 112.
Ἡ δὲ καὶ ὡς τὰ πρῶτα πολύπλυχον ἔσχον Ὄλυμπον.
Ὃς δὲ αὔτως πάντεσσι διαμπερὲς, ὥσπερ ὑπέρη,
Ἐξετέλασσε ——————— v. 403.
Ὃ δὲ τοῖσιν ἐὺ διεδάσσαλο τιμάς. v. 884.

† Ἀλλ' ἔχει ὡς τὸ πρῶτον ἀπ' ἀρχῆς ἔπλελο Δασμός. v. 425.

of

of their Power, * for, when ſome Time after the *Dii Conſentes* had formed a Conſpiracy againſt him, he diſſipated it by the Aſſiſtance of theſe Earls the Centgreives. He likewiſe contrived two other Cautions as Barriers of the Imperial Power, an Oath (of the greater Form) of Allegiance, and a Quit-Rent, acknowledging theſe great Poſts as Fees of the Crown. Theſe two Inſtitutions we find in the earlieſt Account there is of this People, and there are ſome Traces in the above Hiſtory, which fairly ſeem to point out their Inſtitution at this Juncture.

As firſt of the Oath, we read † a very minute and particular Relation, where the River *Styx* is conſecrated to this Purpoſe, as an Oath of the higher Form, to be taken only by the Gods, (as all the great Officers were called, as we have ſeen above.) The Puniſhment of their Perjury, or Falſifying this Oath, was that of ‡ diſqualifying the Offender to enjoy the loweſt Rights of a Subject, and expelling him out of the Kingdom, into *Tartarus* for a certain Time. But when this Perjury was attended by, or extended to, any overt Act, that offended againſt the Empire of the State, we read of their being buried alive, nine Acres, or whole Mountains, being thrown upon them, according to the uſual Cuſtom of Antiquity, making Mountains of Molehills, whereas in Truth the ordinary Puniſhment amongſt the *Germans*, in theſe kind of Caſes, was of plunging the Offenders ‖ in Mud and Mire, and ſuffocating them, by throwing a Hurdle or Harrow upon them.

There is likewiſe a Paſſage in the *Theogonia* which ſeems to ſuggeſt, as if the Inſtitution of theſe *Feuda* was in Force at this Time. For we read that *Hecate*, who was Treaſurer, and received the Re-

* *Homer*'s Iliad. *Lib.* 1. *ver.* 400.

† From Verſe 774 to Verſe 809 of *Heſiod.* Theog.

‡ Nec aut Sacris adeſſe nec Conſilium inire Ignominioſo fas. *Tacit.* Germ. §. 6.

‖ Cœno ac Palude, injectâ ſuper Crate, mergunt. *Tacit.* Germ. §. 12.

venues

venues of the Empire, * received a certain Portion out of every Honour and Office that any of the Gods poſſeſſed.

And, as a Confirmation of this Matter, we obſerve, that, as the Polity of theſe two Reigns was very different, ſo there was quite a different Method of Adminiſtration in *Jupiter*'s Reign, than what was practiſed in that of *Saturn*. † *Saturn*'s was a continued Progreſs thro' his Kingdom, that he might always be at Hand where his Preſence was neceſſary; and therefore he ſometimes reſided in one Part, ſometimes in another of his Dominions, that his Influence might extend to all. ‡ Whereas we find *Jupiter* conſtantly at *Olympus* or *Ida*, not deſcending to theſe leſſer Wheels, the Retail of Government, but leaving thoſe Matters to the reſpective Magiſtrates and Officers, in whoſe Hands was the diſtributive Power of the Empire; and who were anſwerable to him for the due Execution of them; expecting from their Hands the Effect of Peace and good Government. The Center of the Empire was in him; and in this Center they all conſpired, incapable of forming any other.

* ——————————— Τὴν περὶ πάντων
Ζεὺς Κρονίδης τίμησε· πόρεν δὲ οἱ ἀγλαὰ δῶρα
Μοῖραν ἔχειν Γαίης τε καὶ ἀτρυγέτοιο θαλάσσης
——————————— δυναμίς τε πάρεσιν
Ὅσοι γὰρ Γαίης τε καὶ Οὐρανῦ ἐξεγένηντο
Καὶ Τιμὴν ἔλαχον, τούτων ἔχει αἶσαν ἁπάντων. Heſiod. v. 411—422.

† *Sanchoniath.* apud. *Euſeb. Lib.* 1.

‡ ——————————— ὃ σὺ γε νηῶν
Ἐμπέραμος, ὃκ ἄνδρα Σακέσπαλον, ὃ μὲν ἀοιδόν
Ἀλλὰ τὰ μὲν μακάρεσσιν ἐλίζοσιν αὖθι παρῆκας
Ἄλλα μέλειν ἑτέροισι: Σὺ δ' ἐξέλεο πολιάρχους
Αὐτους, ὧν ὑπὸ χεῖρα Γεωμόρῳ, ὧν ἵδρις αἰχμῆς
Ὧν ἐρέτης ὧν πάντα· ——————————— v. 70.
v. 80. ——————————— τῷ καὶ σφίτερην ἐκρίναο λάξιν·
Δῶκας δὲ πολίεθρα φυλασσέμεν· ἴζεο δ' αὐτὸς
Ἄκρης ἐν πολίεσσιν, ἐπόψιος· οἵ τε δίκῃσι
Λαὸν ὑπὸ σκολιῇς, οἵ τ' ἔμπαλιν ἰθύνουσιν

* League

* League all your Forces then ye Powers above,
Join all, and try th'Omnipotence of *Jove*,
Let down our golden everlaſting Chain,
Whoſe ſtrong Embrace holds Heaven, and Earth, and Main;
Strive, all of mortal and immortal Birth,
To drag by this the Thunderer down to Earth.
Ye ſtrive in vain; if I but ſtretch this Hand,
I heave the Gods, the Ocean, and the Land;
I fix the Chain to great *Olympus'* Height,
And the vaſt World hangs trembling in my Sight:
For ſuch I reign, unbounded and above,
And ſuch are Men and Gods, compar'd to *Jove*.

Yet this Ariſtocracy which *Jupiter* could ſcarce hold together, during his Life, was afterwards diſtracted into divers Governments. Some of the Diviſions indeed were made during his Life, as that of the *Weſt* to *Dis*, and Part of *Afric* to *Atlas* (*Egypt* had been given to *Taut* by *Saturn*) † and *Crete*, where he died, to his Son *Cres*. ‡ Here then we ſee the Reaſon why that only Difference, which there was between the Government of *Crete* and this, we ſee almoſt the very Rea-

* *Homer*'s Iliad. *Lib.* 8. *ver.* 18.

† Diodorus Sic. *Lib.* 1. §. 19. Euſeb. *Chronic.*

‡ This Revolution is very particularly related by *Heſiod* in his *Theogonia*, as well the Reaſon that gave Cauſe to it, as the Means that brought it about, and Effect this Cauſe and theſe Means had in Modeling the new Settlement, *ver.* 501—506. and 616—730. which at ſome other Time we may take Occaſion to explain minutely, but theſe ſcattered Hints are ſufficient to our preſent Purpoſe. Yet in theſe you may ſee that this very ancient Book, which has been moſtly looked upon, as, at beſt, but an ingenious Collection of the vague Whims of fabulous ſuperſtitious Antiquity, if more cloſely attended to, is a Hiſtory of the Age, when Governments were firſt ſettled, and preceding that in which profane Hiſtory ſuppoſes the Race of human Kings to have begun, and is more particularly a very circumſtantial Narrative of the Founding, Forming, and Settlement of the greateſt Empire that ever governed this World, ſcarce the *Roman* excepted, and of the Deification of the Founders.

ſon

ſon why it took Place. *Minos*, who had learnt by Experience of *Jupiter*'s Reign, that the old Form would always inevitably break to Pieces, from it's being liable to the Factions of an Ariſtocracy, deſtroyed the Claws, which were the Foundation of ſuch Ariſtocracy, and put every Individual in his Power, as well as Right, upon a Level with each other; tho' we may ſuppoſe that it was to make the Heads ſome ſort of Amends, which was a Reaſon for his inſtituting the Order of the *Coſmoi*, out of whom the Kings were always choſen. * This famous Government then of *Crete*, which held the Empire of the Sea ſo long, and ſubdued many Cities of *Greece*; this which is extolled both by Philoſophers and Hiſtorians, and held out to us as the Pattern of true Policy, and was the very Prototype of the wiſeſt Governments in *Greece*; was a mere Corner of this great *German* Empire, formed out of it, and modeled from it.

That theſe great Princes, the Governors of this, and the Founders of the ſucceeding Empires, were the Perſons worſhipped by the *Greeks*, and all thoſe other Nations that roſe out of the Ruins of this great Empire; were thoſe who are called the *Dii Conſentes*, the *Dii majorum Gentium*; there cannot be the leaſt Doubt remaining with any one who fairly compares the original Mythology with the Hiſtorical Clue to be found in it, and other ancient Authors; I ſay the ancient Mythology, for the latter from the Myſtery of Prieſts, and the Phyſiology of Philoſophers, is ſo totally blended and inexplicable, that thoſe who ſet about explaining it (as *Plutarch* for one) are ſo little in Earneſt, that they give as many Explanations as they can invent Theories, leaving you to chooſe that which beſt ſuits your Humour. But beſides the Uniformity with which this reſolves all theſe Difficulties, and reconciles the numberleſs Inconſiſtencies in the other Methods,

* Thucydides *Lib.* 1. Platonis Minos,
O magna vaſti Creta *Dominatrix Freti*
Cujus per omne Littus innumeræ Rates
Tenuere Pontum. — *apud* Senecæ Hippolytum, *Act.* 1.

there is another Suggeſtion that ſeems a ſtrong preſumptive Proof of it's Truth, that is, that this does account for, what no other can pretend to do, the Reaſon why ſo many different and diſtant Nations, that knew not of each other's Name, or ſcarce Exiſtence, ſhould all in the ſame Manner worſhip theſe ſame Perſons, with the ſame Attributes and Deities. But, to dwell no longer on Suggeſtion, we read of their actual Conſecration, "how the Deviſing of Idols was the Be-
" ginning of ſpiritual Fornication, and the Invention of them the
" Corruption of Life, for by the Vain-glory of Men they entered in-
" to the World. Whom Men could not honour in Preſence, becauſe
" they dwelt far off, they took the Counterfeit of his Viſage from
" far, and made an expreſs Image of a King, whom they honoured,
" to the End that, by this their Forwardneſs, they might flatter
" him that was abſent, as if he were preſent. Thus, in Proceſs of
" Time, an ungodly Cuſtom, grown ſtrong, was kept as a Law, and
" graven Images were worſhipped by the Commandment of Kings.
" Alſo the ſingular Diligence of the Artificer did help to ſet for-
" ward the Ignorant to more Superſtition; and ſo the Multitude, al-
" lured by the Grace of the Work, took him now for a God, which
" a little before was but honoured as a Man."——* The God *Taaut*, having formerly imitated or repreſented *Ouranus*, made Images of the Countenances of the Gods, *Cronus*, and *Dagon*, and the reſt, as ſacred Characters of the Originals. He contrived *Cronus*'s to be emblematic of his Imperial Dignity, which he formed with four Eyes, two of them winking as in Sleep; likewiſe upon his Shoulders four Wings, two as flying, two as folded up to Reſt. The Purport was, that

* —— Θεὸς Τάαυτ@ μιμησάμεν@ τὸν Ουρανὸν, τῶν θεῶν ὄψεις Κρόνε τε κ᾽ Δαγῶν@, κ᾽ τῶν λοιπῶ, διεξύπωσε τὰς ἱερουὺς τῶν στοιχείων χαρακτήρας, ἐπενόησε δὲ κ᾽ τῷ Κρόνῳ παρασῆμα βασιλείας ὄμματα τέσσαρα ἐκ τῶν ἐμπροσθίων μερῶν· δύο δὲ ἡσυχῇ μύοντα· κ᾽ ἐπὶ τῶν ὤμων πτερὰ τέσσαρα, δύο μὲν ὡς ἱπτάμενα, δύω δὲ ὡς ὑφειμένα. τὸ δὲ σύμβολον ἦν, ἐπειδὲ Κρόν@ κοιμώμεν@ ἔβλεπε, κ᾽ ἐγρηγορὼς ἐκοιμᾶτο· κ᾽ ἐπὶ τῶν πτερῶν ὡμοίως, ὅτι ἀναπαυόμεν@ ἵπτατο κ᾽ ἱπτάμεν@ ἀνεπαύετο. τοῖς δὲ λοιποῖς θεοῖς, δύο ἑκάστῳ πτερώματα ἐπὶ τῶν ὤμων, ὡς ὅτι δὴ συνίπτατο τῷ Κρόνῳ, κ᾽ αὐτῷ δὲ πάλιν ἐπὶ τῆς κεφαλῆς πτερὰ δύο· ἓν ἐπὶ τῷ ἡγεμονικωτάτῳ νῷ, κ᾽ ἓν ἐπὶ τῆς αἰσθησέως. Sanchoniatho *apud* Euſeb. *Lib.* 1.

Cronus,

Cronus, when he ſlept, yet was watching, and waking yet ſlept: And in like Manner of his Wings, that, even reſting, he flew about, and, flying, yet reſted. But the other Gods had two Wings to ſhow that they flew after or under him. He had alſo two Wings on his Head, one expreſſive of the moſt governing Part, the Mind; the other of Senſe.

But People have different Methods of Reaſoning, and different Ways of being convinced, and perhaps to ſome theſe Facts may appear too vague and evaneſcent, in this early Dawn of Hiſtory, to afford any Reaſoning from their determinate Form; therefore, with Judges of ſuch ſcrupulous Obſervance, we will again caſt our Eyes upon thoſe Figures, whoſe Contours are more preciſely determined by ſtanding forward in a bolder Light.

If we look upon the firſt Forming of the *Athenian* State, we ſee that the Power which effected it, and gave it it's Form, aroſe wholly from this Ballance of Property: We find that this was the Foundation on which it was built, and the Application to this the Means by which it was brought about. For *Theſeus*, finding moſt of the Cities and Villages in this Region, by reaſon of their Increaſe of Property from Commerce and Piracy, * quite antimonarchical in their Principles, took Occaſion from, and availed himſelf of that Spirit; and, working by it, brought about an Event which ſurely nothing elſe could have effected, namely, † the Diſſolving ſo many Governments, whoſe chief Fame was in the peculiar Honour they derived to themſelves from the ancient Names of Kings and Heroes, their ſeveral Founders; and, as theſe were Means by which he brought about this Empire, upon this Foundation only would it reſt ſecure. He framed therefore the Government in that Form of Power, which na-

* Τοῖς δὲ Δυναλοῖς ἀβασιλεύτου πολιτείαν προτείνων, καὶ δημοκρατίαν. Plutarch. *Vita Theſei.*

† Ἀναιρῶν καὶ πολλὰς πόλεις ἐπωνύμους βασιλεῶν καὶ ἡρώων παλαιῶν. *Ibid.*

turally aroſe from this Ballance lying at it's Foundation. * He gave the executive and interpretative Power to the Rich, the Nobility; the Reſult to all the Landholders and Handicraftſmen in common, † who were likewiſe diſtributed and diſtinguiſhed according to their reſpective Relations to this Ballance.

According to this wiſe Example of *Theſeus*, this continued to be the Spirit of the Legiſlators of *Athens* in latter Times. And ‡ accordingly we find when the Whole was in Confuſion, going to the Wreck of Parties and Factions, under the Ferment of the different Intereſts of the Highlands, Lowlands, and Maritime Power; we find when *Solon* was called to the Helm, and made Legiſlator, he did not, like *Lycurgus*, ſit down to ſtudy what Form of Government was beſt, artificially framing a forced Ballance, ſupported by unnatural as a proper Foundation for ſuch; || he did not act from any Means, ideal Standard of Meliority in the abſtract Nature of Things, but from the real Standard of the Ballance of Property in the Country, § and fixed the Government where the Power and Intereſt were already fixed; and this is the true Meaning of that Saying of his (ſo little underſtood) when he was aſked whether he had given the *Athenians* Laws the beſt that were in the Nature of Things? I have given them, ſays he, the beſt they could receive.

* Ευπατρίδαις μὲν γινώσκειν τὰ θεῖα καὶ παρέχειν ἄρχοντας ἀποδεὺς, καὶ Νόμων Διδασκάλους εἶναι, καὶ ὁσίων καὶ ἱερῶν ἐξηγητὰς. Plutarch. *Vita Theſei.*

† Τοῖς ἄλλοις δὲ πολίταις, ὥσπερ εἰς ἴσον κατέστησε. ——— δοξῇ μὲν εὐπατρίδων, χρείᾳ, δὲ Γεωμόρων, πλήθει δὲ τῶν δημιουργῶν ὑπερέχειν δοκούντων. *Ibid.*

‡ Diogenes Laërt. & Plutarch. *in* Vita Salonis.

|| Σόλων δὲ τοῖς Πράγμασι τὺς νόμους μάλλον ἢ τὰ πράγματα τοῖς νόμοις προσαρμόζων. *Vita Solonis* Plutarch.

§ Quoniam Reipub. intereſſe putabat [*ſcil. Solon*] ut, quorum plurimum referret Rempublicam eſſe ſalvam, ii in Rebus adminiſtrandis plus reliquis etiam poſſent, primum *ex Cenſu* Populum totum diſtinxit in Claſſes quatuor: Deinde ex harum prioribus tribus, quæ Res Soli poſſederunt ad certos Modos, & ex his Fructus perceperunt (hæ enim tum præcipuæ Opes *Athenienſium* erant) capi eos voluit, qui annuos Magiſtratus omnis Generis gererent, & Reipub. curandæ adminiſtrandæque Poteſtatem haberent. *Ubbo. Em.* Deſcript. Reipub. Athen. *pag.* 22.

Thus

Thus have we purſued that Syſtem of which Man is Part, in which Mankind can alone ſubſiſt from it's firſt ſimpleſt Relations, thro' every Proceſs of it, to the moſt perfect Form it puts on; whereby we ſee that it is not any imaginary Fear of external Violence, or any ſuch momentary Motive, that forms an artificial State of Society, from a viſionary State of Nature: But that this State of Society is the natural State of Man, formed on this Syſtem of Communion; and that this Communion, as it becomes more extended and interwoven into ſuch Society, divides Mankind into the Governors and Governed, and becomes what is called Government. And that moreover, from the various Shapes it is found to be under, from the Scite and Situation where it is formed, it derives it's Modes and Combinations on ſuch Governments, ſo as to frame and model them into Conſtitutions conſequential of ſuch a Foundation. We ſee hence, how lawful and juſt Power is created; and how conſonant to, as conſequential of, the Principles it is built upon, it puts on all it's Forms. Having, as it were, analyſed this grand Machine in all it's Combinations, up to it's firſt and ſimpleſt Powers, we have ſeen where they all conſpire and reſide; how that Spring, whence they all derive their Motion, is framed and conſtituted, and whence it acquires it's Force and Efficiency. But would we ſee how this Power is diffuſed from this Center of Action, how it is communicated to the Whole, we muſt ſee how the ſeveral Species of Powers, how the ſeveral Individuals, act amongſt each other, and are acted upon; how they are ſubordinated ſo as to receive, and connected ſo as to communicate this general Power. * This Modelling the People into various Orders, and Subordinations of Orders, ſo as to be capable of receiving and communicating any political Motion, and acting under that Direction as a one Whole, is what the *Romans* called by the peculiar Word *Imperium*, to expreſs which particular Group of Ideas, we

* Πολιτικὴ Τάξις καὶ Καλάσασις πωλέως διοικεῦσα τὰς πεόξεις. Plutarch. *de Imperio.*

have

have no Word in *Engliſh* but by adopting the Word *Empire*. 'Tis by this Syſtem only that a People become a political Body ; * 'tis the Chain, the Bond of Union, by which very vague and independent Particles cohere : 'Tis, as *Livy* ſays, the *Circean* Wand, touched by which, Men and even Brutes grow tame and manageable ; where this Cement is not, all Things run together into Confuſion, and fall to Ruin where there is not this Foundation. A Number of People will then, and then only, receive the Impreſſion that is derived from this Center, when the ſeveral Individuals are by various Rights and Reaſons more connected with this Center than they can be amongſt one another ; where, by their Circumſtances and Principles, they are more liable to receive this Impreſſion than any they can give themſelves. Suppoſe now the Multitude of Individuals to be united in their ſeveral Scites reſpectively into Numbers of theſe Centers, and that any Number of theſe Centers, in their ſeveral Departments, are in various Quantities conglomerated by the ſame Rights and Reaſons, by the ſame kind of Circumſtances and Principles, into many ſuch more general Central Syſtems ; that theſe again conſpire into more general ſtill ; 'till all converge into a one common univerſal Center of Power ; and you will have a diſtinct Idea of thoſe Orders and Subordinations that form an Empire : Eſpecially if you carry along with you in your Imagination ſome Engine or Machine, the Silk-Mills for Inſtance, or any other, where a one common great firſt Movement is communicated and diſtributed thro' the Whole, in various Proportions, to an almoſt infinite Number of little Movements, that are independent of one another. You will ſee thus how naturally, how mechanically, any one Impreſſion will diffuſe itſelf thro' the Whole, ſo as to give all reſpectively that Direction which is preſcribed in common : But from the Individuals having no Principle of Coherence with each other, above that whereby they cohere in their re-

* Imperium Rerum Vinculum, per quod Reſpublica cohæret. Seneca *de Clementiâ, Lib.* 1.

ſpective Centers, and from the Individual Orbs having no Intercommunion but thro' the ſame, you ſee 'tis as unmechanical, as impoſſible, that the ſeveral Individuals, Perſons and Orbs, ſhould conſpire to create another equal Force that ſhould recoil back upon the firſt Mover, as that the ſeveral independent little Movements, in any ſuch Machine as above hinted at, ſhould be collected to react upon the firſt unweildy Movement. Nor is it more neceſſary to preſerve the ſeveral Individuals ſubordinate to their reſpective Orbs, than it is eſſential to the Preſervation of the Empire to keep them diſconnected and independent of each other. And hence in all troublous and ſeditious Times, when the Heads of Parties have been endeavouring to connect them by Badges or Tokens of Union, it hath been always conſidered as traiterous; and in *England* Statutes have been provided againſt ſuch Practices, as the Statutes againſt Liveries in *Henry* the VIIth's Time.

What thoſe Circumſtances are that determine theſe Orders and Subordinations, we have ſeen above. The Rights by which they ſubſiſt are thoſe Laws and Sanctions, that provide for their Continuance, and aſſiſt the Exertion of their Influence with the united Influence of the Whole. But as in any Machine, beſides the mechanical Powers and Laws of their Motion, there are other Principles ariſing from the Unpliableneſs of the Materials, and the Obſtructions of Friction: So in this very compound Machine, beſides the Circumſtances that determine the Exiſtence of the ſeveral Powers, beſides the Rights that preſerve and ſupport them, there are other Reaſons and Principles ariſing from the Imperfections of Man (the Materials of which this is form'd) which it ſtrongly behoves the Legiſlator to attend to. * A Government can only be preſerv'd by the united Harmony and Order of its Polity, which ariſes from a right Conſtitution of Laws; but the Sanc-

* Τὸ δὲ σῶζον τὰς πόλεις, ἡ ἁρμονία καὶ ὁ τῆς πολιτείας κόσμος. φημὶ κἀγῶ. ταῦτα δὲ ὑπὸ τῆς εὐνομίας γίγνεσθαι, τὴν δὲ εὐνομίαν ἡ τῶν χρωμένων ἀρετὴ φυλάττει. Max. Tyr. *Diſſert.* 6.

tions

tions of theſe Laws nothing but the Virtue (I mean political Virtue) of thoſe that uſe them will preſerve. This Power of Empire conſiſts in that Conſciouſneſs, which every Man has in his own Breaſt, that he ought to obey the Laws. Laws may inſtruct and preſcribe what is right; may become a Rule of Reaſon; may enforce what they preſcribe with the greateſt and ſevereſt Sanctions; yet where they reach not the Conſcience; where they are not an Object of moral Principles; the moſt religious Sanctions will have no Impreſſions. *Enforce their Exertion by the Sanction of an Oath, while knaviſh Caſuiſtry can explain away the Obligation, and Chicane evade the Penalties; Corruption will break that Oath, and become a ſtanding Example of Perjury: Laws will be a meer Form of Words, and Majeſty an empty Name. † In the early Ages of the *Roman* Government, the Legiſlature found it ſufficient Sanction to declare the public Senſe and Reproof. ‡ Sanctions (ſays likewiſe *Thucydides*) have, from the gentleſt Reproof, aroſe, thro' every Degree of Puniſhment, to the ſevereſt Pains and Penalties. At firſt the mildeſt Penalties were inflicted on the moſt heinous Crimes; but, Men's Vices being grown enormous, to the bearing down theſe Bounds, they were forced to ſtrengthen them ſtill more and more, even with the Terrors of Death; and yet they ſtill tranſgreſs. When once the Senſe of public Truth and Right is obliterated; the Shame of public Infamy loſt; when once the Conſcience is become thus vitiated and corrupt; while a Man will daily hazard his Life for his Intereſt, no Fear of Death can re-

* Cavillari tum Tribuni, & Populum exſolvere Religione velle: Sed non hæc, quæ nunc tenet Sæculum, Negligentia Deûm venerat; nec interpretando ſibi quiſque Jusjurandum & Leges aptos faciebat, ſed ſuos potius Mores ad ea accommodabat. Liv. *Lib.* 3. §. 20.

† —Si quis adverſus ea feciſſet, nihil ultra, quam id improbe factum, adjecit. Id (qui tum Pudor Hominum erat) viſum, credo, Vinculum ſatis validum Legis. Nunc vix ſerio minetur quiſquam. Liv. *Lib.* 10. §. 9.

‡ ——— διεξεληλύθασί γε διὰ πασῶν ζημιῶν οἱ ἄνθρωποι προϊόντες εἴπως ἧσσον ἀδικοῖντο ὑπὸ τῶν κακούργων, καὶ εἰκὸς τοπάλοι τῶν μιγίστων ἀδικημάτων μαλακωλέρας κεῖσθαι αὐτὰς· παραβαινομένων δὲ τῷ χρόνῳ ἐς τὸν θάναλον αἱ πολλαὶ ἀνήκεσι, καὶ τοῦτο ὅμως παραβαίνεται. Thucydides. *Lib.* 3. §. 45.

ſtrain

ſtrain him, when he thinks it his Intereſt to break the Laws. When the Laws loſe this actuating Spirit, all their Efforts will be obſtructed; all their Force loſt, before they can put in Motion thoſe Powers, whoſe Motion they are intended to direct: The Soul of Government (if there can be any Life under ſuch Corruption) may give the actuating Impreſſion, but, on ſuch palſied Limbs, it will be effortleſs and without Effect; the ſevereſt Stroke of Juſtice will, like the Arm of ſome trembling ſpiritleſs old Man, fall languid—*imbelle ſine Ictu.*

But that the Power of Government may overcome all Obſtruction, and be extended, and act, and live thro' the Whole; that the Spirit, not merely the mechanical *Momentum*, may be communicated and deriv'd to all the Members, 'tis neceſſary that there be a public Senſe, a public Conſciouſneſs, a public Conſcience. In the ſame Manner that every Man feels, that each Part of him is a Part of one's ſelf; ſo ſhould he feel, that he, the Individual, is a Part of one Whole: As there is but one Conſciouſneſs throughout the whole Man, ſo there ſhould be but one throughout the whole Community: For, as the Unity of Communion (above explain'd) makes the Polity one natural Body, ſo this one Conſciouſneſs makes it one Perſon, one moral Agent: And, as ſuch, it will feel the ſame moral Senſe of Virtue, Truth, and Rectitude; the ſame Self-approbation or Abhorrence; the ſame Zeal for public Intereſt; the ſame Deſire of honeſt Fame and Glory; the ſame Love for Liberty. How this is to be cultivated and regulated; how preſerv'd; how it is corrupted and loſt; is beyond my preſent Purpoſe; 'tis enough that we ſee that this is the *Senſorium*, the Vehicle, as it were, of the Soul of Government.

'Tis this *Imperium* above explain'd, this Power of Government, that in all States, of whatever Spirit or Denomination, muſt be not only ſupreme * but abſolute; ſo far abſolute, as to extend it's intire

* The Reverence that is given to a Fundamental, in a general unintelligible Notion, would be much better applied to that *Supremacy* or Power which is ſet up in every Nation in different Shapes.———There is then no other Fundamental, but that every ſupreme Power muſt be arbitrary. *The Marquis of* Halifax's *Political Thoughts.*

and perfect Influence, to the putting the Whole into Motion, in the very Direction that the Power is impreſs'd. But that, when put into Motion, it be not unequal, violent, impetuous beyond all Proportion of it's Nature; as throughout the human Body there are Muſcles that counteract to ſtop and ballance; as in every Machine calculated to continue as well as communicate Power, there is ſomething to regulate and render equable ſuch Motion; ſo in all Governments, founded in Truth and Nature, there is ſomething to render equal and uniform their Motion, that their Actions, while this remains, cannot become violent and arbitrary.

In Democracies the Rotation of Offices, and Cenſure of Magiſtrates, is this Regulator: 'Tis this keeps every Motion of the Government in the Direction, and under the Influence of the Laws, which is Liberty. This *Livy* ſays in expreſs Words of the Government of *Rome*, when it became Democratic: The * Liberty of the State firſt took Root from hence, that the Conſular Power was by annual Rotation, rather than that any Thing was diminiſhed of the Imperial Dignity.

It being, as we have more than once obſerved before, that an Ariſtocracy, without a Moderator or Prince to ballance them, is a State of War, that ſuch may be a State of Government; that it's Motions may be political, not capricious, arbitrary, and violent; that it's Actions may be thoſe of a Government, not thoſe of a prevailing Party, which is always factious and partial; there ſhould be a ſupreme Magiſtrate, of ſufficient Weight and Power to ballance and moderate ſuch Factions; and to regulate, unite, and render equable the various momentary unconnected Motions of ſuch Parties.

For Want of this, the Hiſtory, for the moſt Part, of ancient Polity, is nothing but the Hiſtory of Factions and Intrigues of Parties. There are Periods in that Hiſtory, that, one would think, ſhould

* Libertatis autem Originem inde magis, quia annuum Imperium Conſulare factum eſt, quam quod diminutum quicquam ſit ex Regiâ Poteſtate. *Liv.* Lib. 2.

have pointed this Remedy ; yet ſtill, for Want of it, they moſt of them took Refuge in a Foreign Tyranny, incapable to ſupport and ſurvive a more inſufferable one in a wretched Slavery to their own Factions. Obſerve one very ſingular Inſtance in the *Athenian* State. One would have thought that the domeſtic Peace, and public Proſperity, which they enjoyed ; that the Security which the Subject experienced, and the Liberty which the State felt under the Adminiſtration of *Pericles*; would have pointed out this Remedy ; for, tho' the People could not reaſon about it, yet had they not been poiſoned by Prejudices ; had not their Senſes been inflamed, beyond all natural Senſation, by Factions, and Seditions, and Strife ; they muſt have as mechanically had Recourſe to it, as a Man that is thirſty, to the Brook, to quench his Thirſt. " While *Pericles* lived, by the great Power of his Wiſ-" dom, Riches, and Dignity, being an over Match for any intrigue-" ing ambitious Individual ;" and by the natural Influence he muſt thence neceſſarily acquire, being an over Ballance for any Party : And by the Spirit of his Adminiſtration, equal and univerſal, being ſuperior to any other Spirit that did not animate the Whole ; to any other Spirit that aroſe from the Starts of Paſſion, and was not the Reaſon of the Whole : * While *Pericles*, I ſay, lived, the State was a Democracy in Name and Conſtitution, but, in Spirit and Fact, the Government of a one principal Regent, a limited Monarchy. Had the People here but had the Happineſs to diſcern what Spirit they were of ; had they but conſtituted this Power by Law, and armed it with the Powers of the State ; the State might have exiſted happy, and ſubſiſted long. But Heaven thought otherwiſe —— as ſoon as *Pericles* died, they relapſed again into the Fever and Delirium of Faction, 'till it brought them to their End. They called in firſt one Foreign Aid, and then another, 'till, by receiving *Philip* of *Macedon*, they were totally deſtroyed.

* Ἐγίνετο τὲ λόγῳ μὲν Δημοκρατία, ἔργῳ δὲ ὑπὸ τῦ Πρώτυ Ἀνδρὸς Ἀρχή. Thucyd. *Lib.* 2. §. 65.

In the ſame Manner that a limited Prince is neceſſary to a truly political Ariſtocracy; in the ſame Manner, are the intermediate and ſubordinate Powers of an Ariſtocracy, a Nobility and ennobled State Officers, neceſſary to regulate and communicate the Power of a Monarchy, that is not deſpotic; to diſtribute this Power from the Center equally to all and uniformly at all Times; that the Guſts of Will, the Starts of Paſſion, may be obſtructed; that it be not partial and capricious, but that Reaſon only may prevail to communicate it regularly and equably.

But let us ſee how a Government can reaſon, for in this primarily conſiſts the political Liberty of a State. That it is in a Capacity of reaſoning, and that it's Powers are ſo framed, that this Reaſon becomes the Will of the Government, that that Part where reſides the Power of Execution, ſhould have the Right of Reſult, the Power of Enacting, is that Conſtitution whereby it may be ſaid to be free: Without Reaſon it cannot be a free Agent, and, without ſuch Reſult, it's Actions would not be it's own; they would be the Actions of a Part, not of the Whole.

There never was, upon the Face of the Earth, a Multitude of People got together, but that, tho' they could not reaſon, yet they immediately felt their natural Incapacity to will or act; from this Senſation therefore * Nature hath ever taught the Multitude, the Many, to conſpire in this one Thing, Obedience to the Will of the Few, who could reaſon for them: This Experience hath confirmed, and Reaſon regulated and eſtabliſhed. † Hence in all ancient Polities we find

* In *Athens*, at the very Time, when the factious Populace were breaking up the Senate, and had reſolv'd to have no ſuch Order in their State, they found it abſolutely neceſſary to eſtabliſh ſuch a one amongſt themſelves: Ἀρχήν τινα Προεσβυτέρων ἑλέσθαι, οἵτινες περὶ τῶν παρόντων, ὡς ἂν καιρὸς ᾖ, προσβουλεύσουσι. Thucyd. *Lib.* 8. §. 1.

† There would be no End of referring to particular Inſtances to this Point; but I will inſert here one very ſingular one, *viz.* the *Rhetra*, or Oracle of *Lycurgus*, receiv'd at *Delphi*, directing

find the Legiſlative Power divided into Reaſon and Will, Debate and Reſult, and the Counſel, the Reaſon in the *Boulè* or Senate; the Reſult in the People, or that Part of the People, where the executive Power reſided. This Eſtabliſhment then of a Part reaſoning for the Whole is founded, not in any artificial Inſtitution, not in any temporary or local Reaſons of Expediency, but in the Law of Nature extending uniformly and adequately to all Times and all States.

Now, as that State, whereby an Agent has within itſelf a Power to act according to the Relations of the Nature of ſuch Agent, is Liberty: As, in Man, the having within himſelf a Power to act, according to his own Reaſon, is Liberty: So is it the very Spirit of Liberty, in this Body, to have got, thus fram'd within itſelf, a Capacity to act according to the Relations of it's Nature and Inſtitution. To be free, it muſt reaſon; and, to reaſon, it muſt take this Form, whereby it becomes capable of Reaſon. To be free, it muſt have a Power to move or act, as of itſelf; and, to act as of itſelf, it muſt become one, ſo united, and ſo framed, as to be capable within itſelf of communicating to all the ſeveral Individuals, within their reſpective Orbs, any one Motion of the Whole. To be free, it muſt be capable of forming a Will; and to have a Will, which ſhall be the Will of the Whole, it muſt be ſo framed and united, that that Will may have an authoritative Communication thro' the Whole. This is the true and only Liberty, a Liberty of Law and Reaſon: Liberty without Law is a Slavery to itſelf, without Reaſon is Madneſs.

recting the Inſtitution of the *Spartan* Government :— Διὸς Συλλανίυ κ᾽ Ἀθηνᾶς Συλλανίας ἱερὸν ἱδρυσάμεν⊙, φυλὰς φυλάξανλα κ᾽ ὠβὰς ωβάξανλα, τριάκονλα Γερυσίαν σὺν ἀρχαγέταις καλασησάνλα, ὥρας ἐξ ὥρας ἀπελλάζειν μέλαξὺ Βαβύκας τε κ᾽ Κνακίων⊙, ὕτως εἰσφέρειν τε κ᾽ ἀφίσασθαι γαμωδᾶν γοριᾶν ἴ μὲν κ᾽ κράτ⊙: That is, Let the Senate debate and prepare the Buſineſs, which let the Kings propoſe to the People, and let the People (where reſides the Power of the Government) enact or diſannul ſuch Decrees. Nay, where the great God *Jehovah* managed this Matter of Counſel and Debate for the People of the *Jewiſh* Republic, he left the Reſult to the People, and all the People anſwered with one Voice, and ſaid: *All the Words, which the Lord hath ſaid, will we do.* Exod. *Chap.* xxiv.. *v.* 24.

The

The Inſtitution of this Power is of the higheſt Sanction, by the Law of Nature, and of God; it is of the higheſt Authority, as all Power ſo conſtituted is of that Law, and that Lawgiver. If therefore there be any Reverence, any Piety, Obedience, Faith, Honour, 'tis all due to this Majeſty of the People; by this the People, as a State, live, move, and have their Being.

How abſurd then, and how wide of the Scope of true Liberty, are thoſe Maxims of conſtitutional Jealouſies, Checks, Oppoſitions, of the Independency of the Powers of Government? For on the Union, Harmony, and Dependency alone of theſe, is built true and real Liberty. But in like Manner as it is with the Individual, when the Paſſions inflame or bewitch the Heart; any falſe Reaſoning or Caprice takes Maſtery of the Head; Reaſon is no longer heard, it's Law is thought the Reſtraint of Servitude, 'tis the mere Cozenage of Artifice that would perſuade one to liſten to it; it becomes then the Spirit of Liberty to ſtrike the bold and free Lines of Genius; the Violence of every Paſſion becomes the Spirit of Liberty; and every Caprice, every Folly, Taſte; till, hurried headlong thro' a giddy Round of Joys, without Time to enjoy them, fluttered and diſſipated 'midſt a Thouſand numberleſs Pleaſures, without being able to fix the Satisfaction of the Heart on one; he at length finds himſelf chained, miſerably and wretchedly tortured, in the worſt of Slavery, the inextricable Bonds of the Habits of Vice and Self-corruption. So is it in a State when to diſavow the Feelings of Truth, Virtue, Honour, to be dead to every private, every public Affection, is dignified with the ſelf-flattering Title of a Knowledge of the World: When the Laws ſo loſe their Sanction, that no Sanction can be found ſufficient to enforce the Execution of them: When the Licence is called Liberty; and every Caprice and Violence of the People, the Exertion of that Liberty: * "When the People, impatient of bearing that very

* L'Eſprit de Loix.

"Power

" Power they have entruſted, want to do every Thing of themſelves,
" to debate for the Senate, to execute for the Magiſtrate, and to ſtrip
" the Judges: When the Magiſtrates ceaſe to be revered, when the
" Senators ceaſe to be venerable and become deſpiſed, when their De-
" liberations are ſlighted, there is no longer Order, Government,
" Liberty; but, as they end, ariſe Anarchy, Slavery, and tumultuous
" Tyranny."

But this is a diſagreeable Train of Ideas, and my Head achs already with Dogmatizing.——Come, let us take a Ride into the Grounds for an Hour or ſo, perhaps we may meet with ſome Diverſion.

Q. Scæv. As is moſt agreeable to you.——I'm ſure we are greatly obliged to you for the Trouble you have given yourſelf. But I hope, nay, I know you will excuſe me, if at the ſame Time I tell you, what Satisfaction I receive in ſeeing * Liberty and Empire united: In ſeeing the Syſtem of Government animated, and acting with all the Spirit of Liberty, yet ariſing by the Vigour of natural Principles, not from the Will of Man, an artificial Form; but from the eternal Laws of Nature and God, an actual natural Syſtem: If at the ſame Time that, ſeeing this, I have the Pleaſure to find all my Objections to your Principles, as they reſpect the Empire of the State, as they reſpect political Liberty, the Liberty of the State, removed: I hope you will excuſe me, if I don't enter far enough into the Conſequences of your Scheme, to ſee how that abſolute Right that the Government has to the Perſons of it's natural born Subjects, how that indiſpenſable Connexion, by which the Subject is (as you ſay) united to the Government, are conſiſtent with that natural Liberty and Independency, which the Writers on your Principles ſuppoſe, when they ſay, " † That a Man is born a Subject of no Country or Govern-

* Res olim inſociabiles miſcuerunt, Imperium & Libertatem. *Tacit.* Annal.
† *Locke* on Gov. *Treatiſe* 2. §. 118, and 73.

ment

ment whatever :" " That every Man's Children, being by Nature as " free as himſelf, or any of his Anceſtors ever were, may, whilſt they " are in that Freedom, chooſe what Society they will join them- " ſelves to, what Commonwealth they will put themſelves under."

L. Craſſ. I have here ſome Papers that do carry theſe Conſiderations further, and endeavour to explain the Relation there is between the Government and the Subject, and more particularly as to this Point.— But let us talk of theſe Matters another Time. —— I will here put the Papers in my Pocket-Book, and you may call for them any Time when Leiſure and Humour ſuits, but, at preſent, I think a little Air-ing would be more agreeable.

PRINCIPLES

PRINCIPLES OF POLITY.

PART III.

SAUNTERING one Evening about the Garden, we at laſt ſeated ourſelves in the Summer-houſe, which, as the Houſe and Gardens ſtood on the Scite of an old Caſtle, was made out of the Remains of a Tower, and fitted up ſo juſtly in the Spirit of the Place, that it made one of the moſt charming Pleaſure-rooms I ever ſaw. The Indulgence of Laſſitude and Indolence created a ſilent Muſing for ſome Time—at length.—I do not, ſaid *Scævola*, merely enjoy this Retirement and quiet Re-

poſe from the preſent delightful Circumſtances of the Place and Scene, but the Reflection that it was once a Garriſon; theſe Walks of Peace, once Lines and Intrenchments of War; that the Place, where all this Comfort and Enjoyment dwells, was once a vexatious Scene of Fatigue and military Servitude; the Remembrance that makes this Contraſt, gives a peculiar Reliſh to the Enjoyment, and makes, what might be only pleaſurable, Happineſs itſelf in the Compariſon. And indeed, how much happier are we now, than in thoſe old Times, (which, from an Affectation of admiring the Heroiſm of them, are ever extoll'd) when every Houſe was a Caſtle, and every Family a Garriſon; when, tho' the State was ſecure from the Fear of external Violence, yet the Individual felt all thoſe Fears, unleſs fortify'd with theſe Works; and might ſuffer all thoſe Violences, unleſs intrench'd within ſuch Defences? How much happier are we now, that the Law is that ſufficient Barrier to every Man's Peace and Property; and, tho' his Houſe be his Caſtle, 'tis no Garriſon, and knows no Laws but thoſe of Society and Hoſpitality?

Altho' I do from my Conſcience venerate the ſacred Powers and Majeſty of Government, yet have I ſo eſtabliſh'd a Perſuaſion that there are ſome Liberties, ſome Rights, ſo peculiarly the Individual's own, that no Government can have any Right to extend itſelf over, or have any Claim upon them; and, where Governments are ſuch as to interfere with them, I think ſuch Governments worſe than none.

But this was the Point which you promis'd more particularly to conſider in your further Explanation of the Empire of Government, which Promiſe, as you have the Papers in your Pocket, I hope you will give us Leave to demand of you. For tho', continued he, in what you read to us the other Morning, you have ſo explain'd the Communion of Society, and the Empire of Government ſo, as to eſtabliſh the Safety and Majeſty of that Empire, conſiſtent with the Liberty of Man in general: Yet where that Point may be fix'd that preciſely determines the Powers and Claims which the Government

may

may have over the Individual in particular, and how far his Rights and Liberties, as ſuch, may extend, doth ſtill remain Matter of Doubt with me, and, I wiſh, may not continue with others, as it hath hitherto always been, a Point of Controverſy.

L. Craſſ. In Points of Learning, which are the Amuſements of the idle Ingenious, what are controverted, and what not, and which Way the Faſhion runs to determine them, is not of much Moment: But 'tis ſtrange and 'tis pitiable, that Truth ſhould be ſo far removed from Buſineſs, and the active Part of Life, where it's Conſequences are of ſuch Import to the Intereſt or Ruin of the Community, to the Happineſs or Miſery of Mankind. But ſure Experience will at length teach them, after they have been tried in every Extream of Error and Miſery; after they have felt on one Hand the heavy Rods and Chains of Slavery, and on the other the Tumults, Wars, Maſſacres, of unregulated Liberty; Experience ſure will not only let them ſee, but feel, that happy Medium, where Truth, Liberty, and Happineſs are only to be found.

How villainouſly for Ages here in this Iſle, did the Servility of the Many conſpire with the Ambition and Avarice of the Few to form an Idol-Power in Government, and then fall down and worſhip the Image they had ſet up? But as the Hiſtory of Mankind, the bitter Experience of every Region and every Age, affords horrid and miſerable Examples, how improper Man is to be truſted with Power; the Courſe of Things in this World (which is a School of Diſcipline in Politics as well as Morality) hath led them into a *practical Knowledge* of the dangerous and deſtructive Tendency of ſuch Polity. But Man, that knows no Mean, hath been the more violently carried into the oppoſite Extream. And not only Liberty from Oppreſſion and falſe Dominion, but Independency of all the Orders, and Diſconnexion from the Communion of the Empire of Government, is what is now call'd Liberty. Not only Power unconſtitu-

tionally framed, and illegally exercis'd, is oppoſed, but the very Empire and Majeſty of Government; and, as (ſaith a great * Hiſtorian) whatever now is oppoſite to Power is become popular, the only Patriotiſm is to oppoſe all Power indiſcriminately. Nor hath this been the Caſe in the Hurry of Practice only, but the Writers too on the Side of Liberty have concurr'd to eſtabliſh it in Reaſoning too. For the Doctrine of an original Contract, which was devis'd to ſhew other Reaſons for the Allegiance of Subjects to Government, than thoſe on which the falſe Power of it's Tyranny was founded, while it hath been for many Years explain'd, demonſtrated, analyſed, treated, and eſſay'd on, hath ſo far ſeparated the Ideas of Government, and the Liberty of the Individual, that, while ſuch Spirit of Liberty remains, there can be no true Government; and, if there be Government, ſome of the very Eſſentials of this Liberty are deſtroy'd.

To reform and rectify theſe Ideas, to reſolve this Theorem into its *original Principles as they ariſe from* NATURE, was the whole Purpoſe of my ſitting down to examine them; and from ſuch Examination to ſhew, how *in* NATURE *theſe Ideas are coincident and united*, was the whole Drift and Scope of thoſe Papers, you made me read to you the other Morning. I will now go on, for it remains with me to ſhew, not only that Man may be connected and united to Government, and no Rights or Liberties of his infring'd; but by explaining further this Communion of Government, in thoſe Points whence ariſe the Rights of Government, and Duty of the Subject; the Rights of the Subject, and Duty of Government; *how far*, by the Nature of that Communion, he is dependent and connected.

In the laſt Converſation we had upon theſe Matters it appeared to us, and I thought with Pleaſure that I ſaw you acquieſc'd in thoſe Appearances, that as the whole Extent of Creation is a one Whole, a one Syſtem; and Man a Part of that Syſtem: So from the

* Πᾶν δὲ τὸ ἐναντιούμενον τῷ δυναστεύοντι, Δῆμος ὠνόμασαι, καὶ ἀπ' ἐκείνε ξυμπαρεμείνεν ἡμῖν, ἡ Προσασία τᾶ Πλήθες.
Thucyd. *Lib.* 6. §. 89.

Nature

Nature of every Thing and Creature in that Syſtem, from the Nature of Man, that a *State of Communion was the natural State of Man.* And that as it is *in general* a Law of Nature, riſing to her Perfection thro' a progreſſive Series of States more and more perfect; that the former State creates thoſe Wants, and feels thoſe Defects, which nothing but the next ſucceeding State can ſupply; and that Nature, by the Vigour of her own Principles, and by the Means of thoſe very Imperfections and Corruptions of the former State, ariſes to the next which fulfils and perfects them: So *in this Particular* that, the Communion in the firſt Stage of it being in a natural Incapacity of actuating in common that one Spirit by which alone it can ſubſiſt, Government which is ſuch an Organization, as renders it thus capable, becomes thence neceſſary, and thoſe Imperfections and Corruptions of the Communion are the very Means and Cauſe by which, from the Vigour of its own natural Principles, it acquires that Form. That therefore *Government is no* ARTIFICIAL SYSTEM, no *Succedaneum* of poſitive Inſtitution; but, prior to all ſuch, is AN ACTUAL NATURAL STATE *of the Syſtem of Man*, riſing in its Progreſſion nearer to the Perfection and Fulfilling of its Nature. And conſequently that *Man is connected with a State of Government* by the Nature and Laws of that Syſtem in which he exiſts, by the Nature and Laws of his own Being.

So that altho' you do not, as you was pleaſed to ſay, ſee far enough into the Conſequences of my Principles to conceive from what Reaſons, and to what Degree, the Individual, conſiſtent with his Liberty, is connected to any particular Government; or how ſuch particular Government can have any Claim to his Allegiance, prior to any poſitive or implied Tender of that Allegiance: Yet you ſee from hence that it is ſo far from true, that "a Child is born a Subject of no "Country or Government whatever," that a Child is born, by the very State of it's Nature, a Subject of ſome Country and Government or other.

If now it ſhall be ſaid that a State of Government, formed on Principles as above, does not infringe any Rights or Liberties, or drown any Claim or Title he may virtually have to them: From the Conſideration of the Nature of the Communion of ſuch Government, it will appear, that whatever Government he is born under, of whatever Form it be, has a natural Claim to his Allegiance; and he becomes *a natural-born Subject* to the *Imperium* of ſuch.

Firſt therefore to ſee what Rights and Claims he may have as a Man, prior to any ſuppoſed Connexions with Government; let us conſider the Nature and Laws of his Humanity, abſtracted from the Conſideration of his political Connexions. Here we find that all Men are born Equals, and upon equal Terms: That every one in his own private perſonal Character is free and independent of any other Perſon whatever, conſidered in *his* private Character; that no Man can have any Right of Dominion over the Perſon of another; that no one can have any Claim upon another that is not mutual, or that is deſtructive of any of thoſe original Rights; that every Individual has a Right to enjoy what Property he can, not interfering with another's Right; that he is accountable to none; that he has no Judge but himſelf, no Rule but the Law of his own Nature: And hath the Execution of that, every one in his own Hands.

But, as Things now are, Mankind are formed into Societies and Governments; have divided themſelves into divers Orders and Subordinations; where the Individual is, as it were, melted down into that *mixt Perſon*, the Member of a Community; where thoſe, who before were free, equal, and independent, are now free only in certain and defin'd Degrees; are ſubordinate to, and connected with one another; and under the Direction of one common Law, and one Executor of that Law common to all: Where all Property likewiſe is annex'd to the Community, and inſeparably connected with it. As Things now are, I ſay, a Man cannot be born and exiſt in that State of Equality and Independency from even political Connexions, unleſs you

can

can ſuppoſe Men grown up ready furniſhed and ſupplied for all the Purpoſes of their Being, *ſeges clypeata Virorum*; or that the Individual may be thrown like *Vulcan*, ready born and bred, from ſome other World, into ſome *Lemnos* in this; for, as the ordinary Courſe of the World now is, he muſt be born an helpleſs Infant, of Parents that are already Subjects of ſome Government, and muſt be bred by them, while they enjoy that very Power of educating him, under the Protection and Communion of ſuch Government. Nay, even this apart, " * He can no otherwiſe increaſe, or ſubſiſt, than in that ſocial Inter-" courſe and Community which is his natural State." He can have no Right to the very Means of Subſiſtance; for, as all Lands and Properties are connected with ſome Community or other, he can have no Claim upon the Things of this World; he can have no Right to them; no Labour can make them his, no Laws give him a Title to uſe them: They are already occupied, and the Seizing them would be Robbery. † " Whoever therefore from thenceforth by Inheritance, " Purchaſe, or Permiſſion, or otherwiſe, enjoys any Part of the Land " ſo annex'd, muſt take it with the Conditions it is under, that is, " of ſubmitting to the Government of the Common-wealth."

He cannot even be conſidered to be born with thoſe Liberties that a State of Nature (as 'tis call'd) ſuppoſes, becauſe no one can have a Right to enjoy any Thing whatever in a Manner ſuperior to that, in which the reſt of his Fellow-Creatures, equal by Nature, cannot enjoy it; he can have no Right to the Execution of the Law of Nature (even tho' he hath not given up his Right) while the reſt of Mankind have no ſuch Right; he cannot exert his full Powers and Capacities, not even for the Support of himſelf, while the reſt of Mankind are abridg'd of Part of their Power, and capacitated to act

* Lord *Shaftſbury*'s Moraliſt, Part 2. § 4.
† *Locke* of Government. Treat. 2d. § 120.

only

only in certain and defin'd Degrees: * If he could have any ſuch Right to refer to the Law of Nature as the Canon of his Actions, while the reſt of Mankind muſt be judged by thoſe Laws, to which by Government they are ſubjected, then the Man who is profeſſedly equal with the reſt of his Fellow-Creatures, is himſelf a Nation *(Urbis inſtar)* while the reſt of Mankind are only Subjects of the ſame like Body: And every Malefactor, if he cannot be proved a Denizon by his own Conſent, is to be treated with, by the ſame Solemnity and Laws, as a Nation in a fair State of War, and may be ſaved from the Gibbet by a ſolemn Treaty of Peace.

Whatever Rights or Liberties therefore may be ſuppoſed, when Man's Nature is conſidered as abſtracted from the Community: There is *nothing in the actual State* of his Nature, to which he having a Claim can exempt him from the Claim Government may have on *him*; for by ſuch Claim there are no Rights that he is capable of enjoying diminiſhed, no Liberty infringed; therefore all that can be meant by

* Hence all wiſe Nations have agreed in cenſuring the Practice of Duelling as a Crime of very high Offence. In it's own Nature, as it is the Inſtrument of Revenge even unto Blood, it is of the fouleſt blackeſt Dye; as it robs the Community of a Subject, it is a direct Act of War againſt the State: As it aſſumes into it's own Hands the Execution of that Law which the Community hath entruſted to the public Miniſter and common Arbitrator, it directly acts in Defiance of all Juſtice, to the Breach of all Order, the Deſtruction of all Government, and the total Subverſion of the State as a Community.———Yet as, according to * Mr. *Selden* and *Demoſthenes*, there may be Injuries which the Government does not, or perhaps cannot, take Cognizance of: And as, in ſome Caſes, where it is abſolutely impoſſible to appeal to the executive Power, it is allowed to award off ſuch Attacks, and to repel Force by Force, even to the Death of the Perſon who makes the Attack: Could the Eye of the Law ſee in any Shape thoſe Injuries, as ſuch Attacks, it might be induced to conſider the Awarding off, and Repelling of them, in ſome ſuch pardonable Interpretation, that thoſe Laws, which were meant to relieve the Oppreſſed, might not diſtreſs the Sufferer. But perhaps it is impoſſible, in the Nature of Government, it ſhould ſo conſider them. Be this as it may, this, however, amongſt every other Inſtance that can be brought, is a Proof that the Protection due from Government is not that of the perſonal Intereſt of the Individual, but the common one of the Community.

* *Selden*'s Duello. His Table-Talk.
Demoſthenes contra *Midiam*.

referring

referring to this ſuppoſed State of Nature, is, that all Men have a virtual Claim to that Equality and Independency which it ſuppoſes: And, in Caſe of any uſurp'd Power or Dominion, have a Right to put in this Claim. Tho' *in Fact* he cannot enjoy all thoſe Rights and Liberties of a State of Nature, yet he hath them all *in Power*, to ſecure and protect him from falſe Dominion and Tyranny.

As we ſee then he cannot refuſe to ſubmit to this Claim of the Government, let us ſee on what Grounds it makes ſuch Claim, and how far it extends.

We have ſeen that the Community is not only a one Whole, but a one Individual: And that, as ſuch, it hath a diſtinct Intereſt, diſtinct from the ſeveral reſpective Intereſts of the Conſtituents; and that, as this Communion is the creating Cauſe of Society, the Preſervation and Protection of this Intereſt is the End of Government. That there may be other adventitious, collateral, and coinciding Goods ariſing from Government, but that this is the preciſe ultimate Good or End, without which Government neither would nor could be. This Intereſt in it's enlarged cultivated State may and ought to be maintained and protected by the Government, in all its Branches, in all it's Conſequences. But (if, to determine preciſely what I mean, I may be allowed to borrow an Expreſſion from the Mathematicians) that *naſcent State* of it where Government begins, that *evaneſcent Point* where it would end, that ſimple Exiſtence of it which is the Foundation of Government, and without which Government would not be; is the preciſe End of Government. This State, this Point, is the *Organization and Union of the Community*. By this every Individual that exiſts, or ſhall ariſe, * within this Communion, is a Part of it

* Obſerve, 'tis ſaid—within the Communion—not within the Juriſdiction. All that are born within the Communion, are born within the Juriſdiction; but not *vice verſâ*. For a Perſon belonging to a foreign Communion may be born within this Juriſdiction. And Children of natural-born Subjects, tho' born abroad under foreign Juriſdiction, are not only by the Laws of the Realm, but of Nature, natural-born Subjects.

as one Whole, a Member of it as one organiz'd Whole; and is therefore by Nature and Right indiſpenſably and indiſſolubly connected with it, ſo long as that particular Union and Organization ſhall continue.

Hence every Government, form'd on Principles as above, hath a Right over thoſe Individuals that compoſe it, and are expreſs and actual Members of it; hath a Right to connect them ſo intirely and inſeparably under the Empire of it's Government, that they can never more withdraw themſelves from the Allegiance they owe to it.

And not this only, but the Communion which connects the Perſons of the preſent Age, under the ſame Intereſt, into the ſame Government, as naturally connects the ſucceeding Perſons of a future, by the ſame, into the ſame Government: And, as it is the creating Cauſe of Society amongſt the preſent living Conſtituents, ſo will it be a perpetual Bond and Cement to all thoſe who ſhall be born under the ſame Intereſt.

Again, If we conſider Governments as founded on Nature, not on Will; on the *eternal* Reaſons of Truth, not on the *temporary* ones of Expediency and Utility: As founded on, and being, *the State of the Nature of Man*; we ſhall ſee that the Cauſe from whence they aroſe, the Laws on which they are form'd, remain conſtant and perpetual: * And that they ſhould be by Nature and Right ſo conſtituted as to be eternal. While the Laws, like the vital Spirit in Man, become an immortal living Spirit that animates the Whole, and, amidſt the Flux and Changes of Mortality, † connects the vague and fluctuating Parts, unites them into one Body, and continues it Age after Age one living Whole. And as it is this Spirit of the Government that vitally unites all theſe Parts that ariſe within the Community of

* Debet enim conſtituta ſic eſſe Civitas, ut æterna ſit, itaque nullus Interitus eſt Reipub. naturalis, ut Hominis. *Cicero* de Repub. Lib. 3. Fragment ex D. *Auguſt.*

† ——— Τῶν φθειρομένων, τῶν δὲ γινομένων, ὥσπερ ϗ πολέμους εἰώθαμεν λέγειν τὲς αὐτὲς, ϗ νόσους τὰς αὐτὰς. Ariſt. *de Repub. Lib.* 3. *cap.* 3.

it;

it; where that Spirit is, it muſt have a Right, nay, it becomes it's Duty, to connect and ſubject them to it's Laws.

It will not only conſider * the Number of the preſent Conſtituents, as the Strength, the Riches, the very Life of the Community; but it will find as ſtrong an Impulſe, as juſt a Right, as ſtrict a Duty incumbent on it, to provide for † the Continuance of this Strength, and Life, and Union of its ſucceeding Parts, ‡ as Man in his Nature to preſerve the Union of his Spirit and Body.

But if on the Contrary we ſay, that the Laws of a Government can regard only the preſent Conſtituents, and can connect only *them* to it's Empire; ſuch Government is in it's own Nature unfit and incapable to obtain thoſe Ends for which all Governments are form'd. As, firſt, not anſwering the Purpoſes of Communion and Protection; for, while many of the good and profitable Subjects, who have done all the Service of the State, are dead and gone, and others thro' Age

* Illius ſubdita Ditioni fore arbitrantes.—for thus *Caſſiodorus* tranſlates this Paſſage of *Socrates* the Hiſtorian, ἔθεντο δὲ οἱ παλαῖοι Ῥωμαῖοι πολυάνθρωπον ἔσεσθαι τὴν Ῥώμην τὸν Ὑπήκοον οἰόμενοι.—

† Hæc Soboles fuit Domi perpetuò ſuccreſcens, & in locum decedentium novos Cives Indigenas Civitati ſufficiens. *Deſcriptio Reip. Athen.* p. 97. *Ubbo Emm.*

‡ From this Principle, and with this Right, many wiſe Nations have, when it became neceſſary, made poſitive Inſtitutions to this End,— τιν' ἀρα πρῶτον θεῖτ' ἀν' ὁ Νομοθέτης; (ſays *Plato*) ἆρ' οὐ, κατα φύσιν, τὴν περὶ Γενεσίως, ἀρχὴν πρώτην Πωλέων; [de Leg. lib. 4. p. 720. Edit. *Serrani.*] And thus *J. Gotheſred*— Non præmiis modo Cælibes ad capeſſenda matrimonia, Orbique ad Sobolem procreandam, *replendamque Liberis Rempublicam* invitari hac Lege Papia; verum et, propoſito Pœnarum metu, ad id coacti fuere.—See too *M. Vetr. Maurus* reaſoning upon the Words [Fœcunditatis Privilegium].——Publicæ vero Fœcunditatis Privilegium dicitur, quod ob Sobolem procreatam Parentibus utriuſve ſexûs, Reipub. charis, &, ut aiunt Cæſares (L. deportato 8. L. Si aliquis 9. C. Th. de Bon. proſcript.) gratioſis, conceſſum fuiſſe legimus. Nihil enim ducunt Reſpublicæ melius, nihil habent antiquius aut gratius, nihil Civitates honoratius, quàm ut populo frequentatæ, repleant ſedes Ordinum, & *augeant Imperium* hominibus liberis.——quo magis in orbe Romano ad Matrimonia proruerent ſinguli Cives, & ad Sobolem procreandam excitarentur, fuere inter veteres conſtitutæ leges, honores & onerum immunitatem parentibus proliferis, qui Reſpublicas fœcundarent, concedentes. De Jure Liberorum, *cap.* 1. — But to what End would all this be, had not the Government a Right to the Allegiance of thoſe born within its Communion? Where it meant to provide for it's Security and Safety, it would be induſtriouſly promoting and providing for a Race of Vagabonds and Rebels.

and the Chances of Life grown infirm and feeble, where muſt this poor tottering State look for Aſſiſtance? For any Succour or Defence it can *require*, it muſt be inevitably loſt. And a Society of this Kind, inſtead of preſerving it's Community and protecting it's Conſtituents, muſt bring a Sett of People together to their utter Ruin.

It is, in the next Place, incapable to promote and finiſh ſuch great Works of Time as are neceſſary to the Service and Preſervation of the Body politic: It could not undertake the Cultivation and Improvement of it's Lands, which ſeldom make their equivalent Returns to the preſent Age; this then would be only Labouring for ſucceeding Governments, at the Expence, and to the Detriment of the preſent. Thoſe Manufactures which employ many Hands, and require Length of Time to ripen them to their Perfection, muſt be the inevitable Ruin of ſuch a State, and yet are neceſſary to the Preſervation of it. In a Word, the Communion, on which Government is founded, is not confin'd to this Age, this Generation that ſhall paſs away; and therefore the Policies of Governments neither are, nor can be ſo confin'd, but muſt extend to whereſoever this extends.

Again, If we conſider Governments, as their *Diſſolution* and Hurt may ariſe *from external Violence*, we ſhall find that the Imperatorial Power (that Power by which the State hath a Right to form itſelf into a military Force) gives the Government a conſtant and indiſpenſable Claim upon the Perſon and Service of the Subject, and becomes a further Tie and Obligation on his Allegiance.

States, in their Actions and Reaſonings towards each other, muſt be conſider'd as diſtinct *Perſons* and independent; and theſe Perſons, in Reſpect of each other, are in, what is called, a State of Nature; are equal in the Rights and Claims each may have upon the other: Each hath a Right to defend and ſupport itſelf: There then can be no Law betwixt them but this Law of Nature; and each, as it ſtands related to the reſt, hath the Execution of this Law in it's own Hands; there can be no Judge in Matters of Diſpute and different Claims;

there

there can be no Appeal but to Heaven; and, in that good Confidence, the laſt Reſource muſt be to Arms; and ſuperior Force, or the Fortune of War, determine them. Thus Society cannot in it's Nature propoſe to ſecure Man from the Hazard of War. The whole Body politic, as a one Perſon, is no more free from the Danger of external Violence, than a private Perſon. There is therefore nothing in Nature, to which he having a Claim, can exempt him from the Claim the Government has to his Perſon and Service, in the Support and Defence of itſelf againſt external Violence. It hath therefore ſuch a Right, and it becomes it's Duty to make this Claim: It becomes it's Duty to unite and arm it's Force. Hence ariſeth a Reaſon, even tho' there were no Reaſon in the civil Part of the State, whence we could ſay a Man is born a Subject; hence ariſeth a Reaſon why the Subject cannot be independent of the Government and State, and at Liberty to ſeparate himſelf from the Communion under which he is born. And we ſhall ſee, tho' at firſt Glance it may appear a Paradox, that in all free States, where this Imperatorial Power reach'd to every Individual, this Claim was aſſerted with the moſt exact and rigid Exertion.

This is not a mere *ſpeculative* Truth, but an *actual* and inconteſted Maxim of all Polity. There never was any State, of what Form or Spirit ſoever, but had this Claim; and we ſee the actual Exerciſe of it in the *Cenſus*, as it was univerſally practiſed, tho' differently in different Nations.

In *Britain* here every Father was oblig'd to bring his Son, at the Age of twelve Years according to * ſome, according to † others at the Age of Fourteen, to the *County* ‡ Court, or ‖ *Shrieves Torn*, to ſwear *Fealty to the State and King*. Tho' this may ſeem to be firſt

* *Breton.*
† *Bracton.*
‡ Mirror of Juſtice, *Chap.* 1. § 17.
‖ Leges *Ed. Conf.* in Lat. verſ. *per Lambard.* fol. 135.

inſtituted

inſtituted by *Alfred*, and continued by Statute Law down to *Edward* the Firſt ; yet was it the common Law and Cuſtom of the Realm, long before any written Inſtitutions were at all. And we may ſee the Reaſon, as well as Origin, of this Cuſtom amongſt the Anceſtors of this and every other Kingdom of Northern *Europe*. With them, * when a Youth became capable of bearing Arms, he was, by ſome of the Magiſtrates, or by his Father, or Guardian, preſented in the *Folcmote*, and, if approved, was arm'd with a Spear and Shield ; from hence he commences a Member of the Republic, whereas before he was conſider'd as an Appendage to his Father's Family.

Hence, ſays *Bacon*, [*on Government*, Part I. Chap. 54.] " All the " Inhabitants of this Kingdom held their Eſtates under a *general Ser-* " *vice*, which by common Right they were bound to perform, in " Time of Danger, to join in Defence of their Country. This is " the common Fealty all Men owe, and which, if refuſed, renders " the Party guilty of Treaſon againſt his Country, and his Eſtate " under the Penalty of Forfeiture." The Feudal Tenures were only ſubordinate to this, and declarative of the particular Manner in which, and the particular Perſon under whom, this Service was to be perform'd.

It would be endleſs, and, I hope, needleſs, to ſhew, thro' all the free States of *Greece*, that the Government did not only call together all it's actual Subjects, but alſo enroll'd every Soul born within it's Communion, and muſter'd him, as one of whom, when it was neceſſary, it ſhould demand his Perſon and Service. But there is a Caſe in the Hiſtory of *Athens*, (where this Right and Claim was tried) ſo directly to the Point, that I will refer to it.

* Arma ſumere non ante cuiquam moris, quam civitas ſuffectûrum probaverit. Tum in ipſo concilio vel principum aliquis, vel pater, vel propinquus ſcuto frameâque juvenem ornat. Hæc apud illos togo, hic primus juventæ honos : ante hoc domûs pars videntur, mox Reipublicæ. *Tacitus de Mor. Germ.* 1. §. 13.

After

After the *Athenians* were routed at *Chæronea* by *Philip*, being in great Conſternation and Fear for the City itſelf *, they decreed, That all their Subjects ſhould come within the City; and that a military Force ſhould be immediately formed for its Defence. *Leocrates*, in Defiance of this particular Decree, and the Laws of his Country, withdrew himſelf and all his Effects, and went to *Rhodes*. Upon his Return ſome Time after, *Lycurgus* accuſes him of High Treaſon. *Leocrates* confeſſes the Fact, but denies the Crime: Therefore the whole Pleading is to prove the Crime. The Plea is founded on the fundamental Law or Conſtitution of the Government, and he is prov'd a Traytor, becauſe he did not aſſiſt the Government, but withdrew from his Allegiance and it's Service, and deſerted the Community. " What Puniſhment (ſays the † Orator) could the Laws " exact for ſuch execrable Crimes? What can he ſuffer equal to his " Merits, who deſerts his Country? leaves defenceleſs it's holy Sanc- " tuaries; prophanely forſakes his Father's Tombs; and gives up the " whole Community betray'd to it's Enemies? That greateſt but laſt " Stroke of Puniſhment, Death, is righteouſly due to ſuch Crimes, " but very far unequal to ſuch exquiſite Villainy."

There is an Inſtance in the *Roman* Hiſtory, which ſo preciſely determines the Sentiments of the State in this Point, that I cannot paſs it by; eſpecially as the Determinations of that Government have been received as legal Precedents throughout the whole World. *Rome* being ſack'd and laid in Aſhes by the *Gauls*, ſeveral of the *Romans*, their Houſe and Home being loſt, withdrew from *Rome*, and ſettled at *Veii*. But the State thought it neceſſary that they ſhould return;

* —— ἐψηφίσατο ὁ Δῆμος παῖδας μὲν καὶ γυναῖκας ἐκ τῶν ἀγρῶν εἰς τὰ τείχη κατακομίζειν, τοὺς δὲ Στρατηγοὺς τάττειν εἰς τας φυλακὰς τῶν Ἀθηναίων. Lycurgi Orat. § ς'.

† Sect. 3.

publiſh'd

publiſh'd a Proclamation ordering them to return forthwith: * There aroſe at firſt a great Murmuring of thoſe who thought the Empire had no ſuch Claim upon them: At length a Day being fix'd, and an Attainder on every Perſon that did not return by that Day; from all univerſally diſdaining the Order, every Particular, thro' his private Fear, became obedient to it.

See too with what Severity they required their Service. Thoſe, ſaith † *Menander*, who, being called, did not preſent themſelves to the Muſter, were formerly reduced to Slavery as Traytors to the State; but the Eſtabliſhment of the Militia receiving ſome Alteration, being of late compleated by Volunteers, the capital Puniſhment was remitted. A Father, who withdraws his Son from the Muſter, if in Time of War, ſuffer'd a very high Fine, and was baniſh'd: If in Time of Peace, was adjudg'd to the *Baſtinado*; and the Youth, even if he was afterwards forthcoming, loſt his Rank.

Q. Scæv. —— It ſeems unfortunate, *Lucius*, that you ſhould have thus choſe the *Roman* Hiſtory for the Illuſtration of your Poſition: For I think, from the Policy of this very Government, it appears, that a Man was at Liberty to withdraw from his Allegiance, might transfer it to any other Government which was willing to receive him, and that the Government diſclaim'd all Right over him to the Contrary.

* Primo fremitus fuit aſpernantium imperium, dies deinde proſtituta capitalique pœna, qui non remigraſſet Romam, ex ferocibus univerſis ſingulos, metu ſuo quemque, obedientes fecit. *Livius, lib.* 6. §. 4.

† *Arrius Menander* de Re Militari. Apud Digeſt. *Lib.* 49. *Tit.* 16. *L.* 4. §. 10, 11.

Qui ad delectum olim non reſpondebant, ut proditores libertatis in ſervitutem redigebantur: ſed mutato ſtatu militiæ, receſſum a capitis pœna eſt; quia plerumque voluntario militi [numeri] ſupplentur.——Qui filium ſuum ſubtrahit militiæ belli tempore, exilio & bonorum parte mulctandus eſt: ſi in pace, fuſtibus cædi jubetur; & requiſitus juvenis, vel a patre poſtea exhibitus, in deteriorem militiam dandus.

[1] In the Caſe of a Criminal convicted of capital Offences, the Convict might withdraw himſelf, and undertake perpetual Exile. [2] Any one who had been received into this City might return to his original Government, by which his Allegiance would be withdrawn from this; for by the *Roman* Law [3] he could not be under the Juriſdiction of two States at once, [4] becauſe a Variance of Juriſdiction muſt neceſſarily create an inconſiſtent Diſtraction of Rights.

But, apart either of theſe Caſes, we ſee the *Romans* reaſoning from the common Rights and Liberties of Mankind, that a Man could not be ſubjected to any Power but by his own free Choice and Conſent, and even that no longer than he ſhould like the Terms of the Communion; but that [5] he might change his City, nor could be reſtrain'd this Liberty by any Laws whatever. * "By our Law, ſaith "*Cicero*, no one can be obliged to change his City againſt his Will; "nor, if it be his Will, can he be prohibited from changing, if ſo "be the City, whoſe Subject he deſires to be, is willing to receive "him." † "Let no one be obliged to remain a Citizen againſt his "Will, for that every one ſhould be abſolute Lord of his own "Rights, either to relinquiſh or retain them, is the ſureſt Baſis of "our Liberty"— ‡ "Nor is this founded in any peculiar or particu-"lar Right ariſing from any Faith or Treaty, but in the common "Rights of Mankind."

You ſee therefore that the Policy of the *Roman* Government allow'd, that Allegiance was of voluntary Compact, that it was tranſ-

[1] Sive exilio, ſive [2] poſtliminio, ſive [5] rejectione hujus civitatis. *Ciceron. Orat. pro L. Corn. Balbo*, § 12.

[3] Non poſſumus & hujus eſſe civitatis & cujuſvis præterea. *Ibid.* § 12.

[4] Diſſimilitudo enim civitatum varietatem juris habeat neceſſe eſt. *Ibid.* § 13.

* Jure noſtro neque mutare civitatem quiſquam invitus poteſt, neque ſi velit mutare non poteſt; modo adſciſcatur ab ea civitate cujus eſſe ſe civitatis velit. *Id.* § 11.

† Neve in civitate maneat invitus, hæc enim ſunt firmiſſima fundamenta noſtræ Libertatis, ſui quemque juris & retinendi & dimittendi eſſe dominum. *Id.* § 13.

‡ Hic totus locus diſputationis pertinet ad commune jus mutandarum civitatum, nihil habet, quod ſit proprium religionis ac fœderum. *Id.* §.

ferrable, and reciprocal to the Protection given; and reaſon'd thus, not from any the particular Spirit of their Government, or the poſitive created Rights of any Treaty, but from the common Principles of Liberty, and the Rights of Mankind.

L. Craſſ. You have endeavour'd to ſhew, as I apprehend your Argument, that, by the *Roman* Conſtitution, a Subject could not be inſeparably connected to the *State* againſt his Will; but was at Liberty at any Time to withdraw from his Allegiance to that State, and transfer it where he pleas'd; as there was in the *Roman* Policy a free Liberty to every Citizen of changing his *City*. But take Notice, if I am not miſtaken, that your Concluſion extends to Proving that the Protection and Communion any one enjoys, and by which he is united to the Empire of the State, is a Right abſolutely and intirely in the Individual to relinquiſh or retain. Whereas the Premiſſes from whence this Concluſion is drawn, and the Matter of Fact on which it reſts, reach only thus far, * that the particular and peculiar Rights or Privileges, annex'd to this or that City, were ſo the intire and perfect Right of the Individual, that *they* were wholly and abſolutely in his own Diſpoſal to relinquiſh or retain.

That the *Roman* Government never conſider'd its Subjects at ſuch Liberty, in Regard to the *State*, is beyond all Doubt, and I think never was queſtion'd. The Inſtance I referr'd to of thoſe whom the the State recall'd from *Veii*, is inconteſtable. And in another Caſe, when ſome conſiderable Citizens, young Men, after the Defeat at *Cannæ*, were Authors and Leaders, to a great many, of a Deſign to deſert the *Roman* Empire, *Scipio*, attended by *F. Maximus*, *L. Pub. Bibulus*, *Appius*, and a few others, with his Sword drawn, forc'd the Authors of this Counſel, every one in his own Perſon, to take an Oath, † that he neither would himſelf, nor ſuffer any Citizen to

* Jus mutandarum Civitatum. *Cic.* ibid.

† Ex mei Animi ſententia, ego Rempublicam Populi Romani non deſeram, neque alium Civem Romanum deſerere patiar. Si ſciens fallo, tum me *Jupiter* Opt. Max. domum, familiam, remque meam, peſſumo leto afficiat. *Liv.* lib. 22. §. 53.

deſert

deſert the *Roman* Government. Now if, according to your Reaſoning, every *Roman* Citizen had an abſolute and intire Right, nay if he had, in any Degree, ſuch Right at all, to withdraw from his Country, and transfer his Allegiance to whereſoever he pleas'd, neither theſe four Great Men, nor the Government of *Rome*, which avow'd the Action, knew the Principles of their own Conſtitution, but in the moſt outrageous Manner acted in Violation of them. On the Contrary, ſays *Valerius Maximus*, * They not only themſelves, in this Action, paid the moſt compleat and religious Duty to their Country, but reſtor'd and reviv'd the Senſe of it dying in the Breaſts of others.

That this Practice of changing the City did not extend to a Permiſſion of the Subjects withdrawing from the *State*, appears from the very Principle it is founded on †. For they openly declare, that it was allow'd, in order to the Security and Safety of the Empire, by adopting and uniting the beſt Subjects, even of other States, into their Government; ‡ and they claimed this Right with ſo high an Hand, that they would not even ſuffer the Governments, that thus loſt their Subjects, to be Parties in the Act, nor conſider'd their Conſent as in the leaſt neceſſary.

If, therefore, while they were ſenſible of the Right of a Government to claim the Allegiance of it's Subjects, from the Neceſſity of uniting and arming the Community, they, in the Plenitude of their Power, would go ſuch unjuſtifiable Lengths as to rob other States of their Subjects: If it be abſurd in itſelf, as || *Cicero* ſaith, to ſuppoſe,

* Pietatem non ſolum ipſe pleniſſimam exhibuit, ſed etiam ex pectoribus aliorum abeuntem revocavit. *Lib.* 5. *cap.* 6.

† Si Imperatoribus noſtris, ſi Senatui, ſi Populo Romano, non licebit, propoſitis præmiis elicere, ex Civitatibus Sociorum atque Amicorum, fortiſſumum atque optumum quemque, ad ſubeunda pro ſalute noſtrâ pericula; ſummâ utilitate ac maxumo ſæpe præſidio in periculis, atque aſperis temporibus, carendum erit. *Cic. pro Balb.* §. 9.

‡ De noſtrâ Repub. de noſtro Imperio, de noſtris Bellis, de Victoriâ de Salute, Fundos Populos fieri noluerunt. §. 8.

|| Abſurda Res eſt caveri Fœdere, ut Majeſtatem Populi Romani communiter conſervent: id eſt, ut Populus Rom. ſuam Majeſtatem velit eſſe ſalvam. *Ibid.* §. 16.

the *Roman* People to require, in any Treaty, a Clauſe providing mutually for the Safety of the Majeſty of the State, as that muſt be neceſſarily preſuppos'd, prior to any poſitive Agreement whatever: While they aſſum'd, I ſay, a Right to unite the Subjects of others to *their* State: How much more abſurd muſt it be to ſuppoſe that they would permit their own Subjects to transfer away their Allegiance, and become diſunited? Eſpecially as we have ſeen them claiming this Allegiance with ſuch rigid Severity; as we ſee the Subjects ſo exactly enroll'd and muſter'd; their Service ſo ſtrictly requir'd; * and he guilty of Treaſon who deſerts not only the Army but the Empire of the State.

This Practice therefore did not extend to a Liberty of withdrawing from the State. How far it did extend, I am not able preciſely to ſay; but, if you will admit of a Conjecture, I would almoſt venture to ſay, that it extended no farther than the Majeſty, the Empire, of the *Roman* State was ſuppos'd to extend; and that whoſoever withdrew and transferr'd his Allegiance to any Place beyond theſe Limits, acted againſt his Allegiance to his Country.

In thoſe Rights which the *Roman* People aſſerted, and in thoſe Claims they made touching the Dignity, Safety, and Support of their Majeſty and Empire, they ſuppos'd it to reach not only over the actual Dominions of the *Roman* State, but to extend to all States with whom they were any way fœderate or in Alliance. Of the fœderate Nations, *Cicero* ſays expreſly, that they owed Fealty to the *Roman* Empire. † Let them faithfully ſupport the Majeſty of the *Roman* People. Which is ‡ an Expreſſion, not of Deſire, but Command. This he ſaith was not actually a Clauſe in all fœderate Treaties, but was

* Majeſtatis Crimen eſt illud quod adverſus Populum Romanum vel adverſus Securitatem ejus committitur—quo tenetur is—qui Imperium Exercitumve Populi Romani deſeruerit. *Digeſt. Lib.* 48. *Tit.* 4. *Lib.* 1. & 3.

† Majeſtatem Populi Rom. comiter conſervanto. *Cic. ibid.* §. 16.
—de noſtrâ Majeſtate nihil de illorum caveretur. §. 16.

‡ Verbi genus hoc Conſervandi — imperantis eſt non precantis. §. 16.

always

always actually claimed of every fœderate Nation, not as a Favour, but as a Right.

That ſomething of this Nature (namely, a Suppoſition that the Empire of every Nation, any how connected with them, was ſubordinate to their Empire) extended likewiſe over thoſe Nations that were merely in Friendſhip and Alliance, not fœderate, appears to my Apprehenſion from hence: As they always ſuppos'd a Subject to have loſt all his Rights of a Citizen, and to be loſt to the State, when he was withdrawn beyond the Limits of the Empire; * ſo they allow'd him to recover thoſe Rights, and to be reſtor'd to the State, whenever he was got within the Borders of any of their Allies. Which was underſtood † as being within the Juriſdiction of the Empire of the State; and that he was not ſuppos'd to be thus recover'd to the State, till he was within its Empire, appears by a Parity of Reaſoning in the ſame Paſſage, in the Caſe of the Dominion of a Maſter over his Servant, who was not ſaid to be recover'd to his Maſter, till he was under his Dominion. If therefore the Subject was not reſtor'd to his Rights and Allegiance, till he was within the Empire of the *Roman* State; and he was ſaid to be ſo reſtor'd, and to have begun to be within this Empire, when he had got within the Confines of any allied State: The Juriſdiction of the Empire, and Majeſty of the *Roman* People, extended in ſome Degree over the Dominions of ſuch State. The Liberty therefore of a Man's transferring himſelf to any City, in either of theſe Caſes, was conſiſtent with that Allegiance which the State requir'd.

* Tunc autem Reverſus intelligitur, ſi aut ad Amicos noſtros perveniat, aut intra Præſidia noſtra eſſe cœpit. *Pomponius apud Digeſt.* Lib. 49. Tit. 15. Lib. 3. §. 3.

— Si in Civitatem Sociam Amicamve, aut ad Regem Socium Amicumve venerit, ſtatim Poſtliminio redüſſe videtur, quia ibi primum nomine publico tutus eſſe incipiat. *Paulus apud Digeſt. ibid. lib.* 19. §. 3.

† — Si aufugit ab Hoſtibus & intra Fines Imperii noſtri eſſe cœpit, poſtliminio redüſſe exiſtimandum eſt.—Imò cum Servus Civis noſtri ab Hoſtibus captus, inde aufugit, & vel in Urbe Roma ita eſt, ut neque in Domini ſui poteſtate ſit, neque ulli ſerviat, nondum poſtliminio redüſſe exiſtimandum eſt. *Id. ibid.* lib. 30.

This

This Liberty, you'll ſay, was not confin'd to theſe Caſes, but was abſolute and indefinite. Poſſibly, in Time of Peace, it might be ſo, and the State receive no Detriment; but in Time of War, whatever Subject was in the Dominion of a State at Enmity, or in no Alliance with *Rome*, and did not, as ſoon as it was in his Power, return to his Country, was cut off from the State and all his Rights in it; * or being within the Dominions of his own Country, and withdrew from it, and transferr'd himſelf to any State in Enmity, or with which his Country had no Alliance, was deem'd a Deſerter and Betrayer of his Country. And for this Reaſon the † *Roman* Soldiers, that were in the *Carthaginian* Service, choſe rather to die miſerably, ſetting Fire to the Citadel, and periſhing in the Flames, than to deliver themſelves over to the Laws of their Country, and the offended Majeſty of their Republic.

This Liberty then in the Subject, as far as reſpected the *Roman* Empire, was merely a Privilege of becoming a Citizen of this or that *City*. And altho', as ſeem'd above, the *State* could receive no Detriment in the Exerciſe of it, ‡ yet, leaſt the *City* ſhould, they clogg'd the Practice of it in a *Roman* Citizen, with the Penalty of loſing all the Rights and Privileges of the City of *Rome*; and determin'd it as Law, that a Citizen of *Rome* could not be a Citizen of *Rome* and any other City at the ſame Time; || tho' they held in general, that a Denizon of any other City might be receiv'd into the Freedom, and

* Transfugæ nullum Poſtliminium eſt: nam qui malo conſilio & proditoris animo Patriam reliquit, hoſtium numero habendus eſt. *Paulus. apud Digeſt.* Lib. 49. Tit. 15. Lib. 19. §. 4.
Transfuga autem non is ſolus accipiendus eſt, qui aut ad Hoſtes, aut in Bello transfugit: ſed et qui per induciarum tempus, aut ad eos cum quibus nulla Amicitia eſt. *Id. ibid.* §. 8.

† *Polybius*, lib. 1.

‡ Duarum Civitatum Civis eſſe noſtro Jure Civili nemo poteſt: non eſſe hujus Civitatis Civis, qui ſe alii Civitati dicarit, poteſt. *Cicero*, ibid. §. 11.

|| Atqui cæteræ Civitates omnes non dubitarent noſtros recipere in ſuas Civitates, ſi idem nos Juris haberemus, quod cæteri. Sed nos non poſſumus et hujus eſſe Civitatis & cujuſvis præterea: cæteris conceſſum eſt. §. 12.

become

become a Citizen of *Rome*, and yet retain his Rights in his former City. * And, tho' they pretended to found this Law on a Maxim of Juſtice and Equity, yet the Partiality of the Application of it points out that it took its Riſe from Reaſons of State, rather than of the Liberty of Mankind; altho' they flouriſh ſo bravely on the Equity and Equality of this Policy. † "As the Way is open from all "other Cities to the Freedom of our City, ſo mutually is the Way "open to our Citizens to transfer themſelves to any other City." Yet they knew that the Practice of it was injurious and unequal. For the Privileges of a *Roman* Citizen were ſo ſuperior to that of any other State, ‡ that the Granting and Receiving of them was always conſider'd as the higheſt Reward to the beſt Merits and Services; and the loſing, or being deprived of them, equal to the ſevereſt Puniſhment the State could inflict. If therefore a Man acquir'd them by being adopted into the City of *Rome*, and a *Roman* Citizen loſt them by transferring himſelf to any other City: How was this Liberty equal and mutual? The City of *Rome*, like the Lion's Den, would have every Footſtep towards it, but not one from it: How then was the Communion of this Liberty with other Cities reciprocal? But, to dwell no longer on their Pretences, it was in Fact mere State Policy, to entice and inveigle the braveſt and beſt Subjects of every other State from their natural Government, and to adopt them into the *Roman*. And the Right to do this they aſſerted in the Inſolence of Power, with ſo very an abſolute Demand, that when it was pleaded

* They profeſs this Maxim — Diſſimilitudo Civitatum varietatem Juris habeat neceſſe eſt,— *Cicero*, ibid. §. 13. — but the Application points out quite another, — ne contrarium Jus non tam ipſi injurioſum,—quam Domino damnoſum conſtituatur. As they reaſon'd in the Caſe of allowing the *Poſtliminium* to a Servant. *Paulus apud Digeſt.* Lib. 49. Tit. 15. Lib. 19. §. 5.

† Cum ex omnibus Civitatibus via ſit in noſtram, cumque noſtris Civibus pateat iter ad cæteras Civitates, &c. *Cicero*, ut antea, §. 12.

‡ Atqui ſi Imperatoribus noſtris, ſi Senatui, ſi Populo Romano non licebit propoſitis præmiis elicere, ex Civitatibus Sociorum atque Amicorum, fortiſſumum atque opt. quemque, &c. — in Socios vero ipſos, & in eos, de quibus agimus, Fœderatos injurioſum & contumelioſum eſt, his præmüs & his honoribus excluſos eſſe. §. 9.

in the Caſe of *L. Corn. Balbus*, who, being a Citizen of *Cales*, had been adopted into the City of *Rome*; when it was pleaded, that the City of *Cales* had a natural Right to the Allegiance of their own natural-born Subjects; and that ſuch Right ought to be inviolably ſacred to them: See what Anſwer is vouchſafed, *De his cum Populus Romanus nihil unquam juſſerit, quidque audes dicere Sacroſanctum?* And when it was further urg'd, that, if a Subject was thus to be taken from them, the People, whoſe Subject he was, ought at leaſt to be conſider'd as Principals or Parties in the Act: * "The People, indeed, (ſaith the Orator) may be conſider'd as Principals or Parties, "but it muſt be by our Permiſſion, not their Right. When the *Roman* People enact any Thing, if it be of that Nature, that it may "be conſider'd as a Privilege, granted to a free or fœderate People, "that they may provide, in Regard to their own Matters (not our "Affairs) what Rights they would uſe; then indeed, whether they "be Principals or not, is Matter of Conſideration; but, in Regard to "our Republic, our Empire, our Wars, Conqueſt, and Weal, the "*Romans* hold no People Principals with themſelves."

But tho' the *Romans* might eſtabliſh, and by their Power might maintain, ſuch Maxims: Yet moſt Nations, with whom they were concerned, ever proteſted againſt them; and look'd upon ſuch Policy as iniquitous, ſuch Practice as injurious. † This, and this alone, was the Cauſe of that *Sabine* War in which the Orator ‡ tells us,

* Hæc eſt Vis iſtius & Juris & Verbi, ut Fundi Populi, beneficio noſtro non ſuo jure, fiant. Cum aliquid Populus Romanus juſſit, id, ſi eſt ejuſmodi, ut quibuſdam Populis ſive Fœderatis ſive Liberis permittendum eſſe videatur, ut ſtatuant ipſi, non de noſtris, ſed de ſuis rebus, quo jure uti velint: tum utrum Fundi facti ſint an non quærendum eſſe videtur. De noſtrâ vero Repub. de noſtro Imperio, de noſtris Bellis, de Victoriâ, de Salute, fundos Populos fieri noluerunt. §. 8.

† Sabini ſuos in Lucum confugiſſe; ac Romæ retentos. Hæ Cauſæ Belli ferebantur. *Livius.* Lib. 1. §. 10.

‡ Illud verò ſine ulla dubitatione maximè noſtrum fundavit Imperium, & Populi Romani Nomen auxit, quod Princeps ille Creator hujus Urbis, Romulus, fœdere Sabino docuit.—Cujus auctoritate & exemplo nunquam eſt intermiſſa a Majoribus noſtris Largitio & Communicatio Civitatis. *Cicero,* ſicut antea, §. 13.

that

that it took its Riſe and was eſtabliſhed by the Conſent of Nations. * The brave Citizens of *Prænesſte*, when they were rewarded for their Virtue with the Freedom of the City of *Rome*, continued ſtill under their own Government, exhibiting the ſame unſhaken Faith to the Empire of their own State, as they had given Proof of to that of their Allies. † And in Bar of this Practice many wiſe Nations, aſſerting their Right to the Allegiance of their own Subjects, had this Clauſe inſerted in their Treaties with the *Romans*, ‡ that their Subjects ſhould not be taken from their natural Government, and adopted into that of *Rome*. And no Wonder we ſee theſe Governments ſo jealous, in this Point, of their Right to the Allegiance of their native Subjects; for we ſee them exerciſing this Claim with the moſt rigid Severity: Not only puniſhing thoſe who refuſed to muſter, but inflicting the ſevereſt Puniſhments on thoſe who delayed, || ſo as to torture even to Death the unfortunate Perſon who came laſt into the Field.

It appears from hence, to my Apprehenſion, that all Governments have, not only in Theory, a Right, but, contrary to what hath been often ſuppoſed, that, in Fact, they ever made Claim to this Right, which they have to the Allegiance and Service of their Children. And that this Right is founded in Nature and Truth, if thereby no Injury be done to the Perſon thus claimed, or no Right or Liberty of his infring'd; which cannot be where the Government ariſes freely by

* Prænestinos ob Virtutem Civitate donatos, non mutaviſſe. *Liv. Lib.*

† Fœdera extant ut Germanorum, Inſubrium, Helvetiorum, Iapidum, nonnullorum item ex Galliâ Barbarorum: quorum in Fœderibus exceptum eſt. Nè quis eorum a nobis Civis recipiatur. *Cic.* § 14.

‡ From all that has appeared above it ſeems difficult to ſay, how any Government can juſtify the Adopting and Naturalizing the Subject of any other State: And how the diſtinct Rights and contrary Claims to his Allegiance and the Diſtraction of his Duty can be adjuſted; unleſs, as all have at length ſeemed to admit of this Practice from Maxims of Utility, it be thought ſufficient upon every Emergency to ſettle them by Cartel.

|| Hoc, more Gallorum, eſt initium Belli; quò, lege communi, omnes Puberes armati convenire coguntur; & qui ex iis noviſſimè venit, in conſpectu Multitudinis omnibus cruciatibus affectus necatur. *Cæſar*, de Bell. Gall. *Lib.* 5. § 47.

the Vigour of natural Principles, and is only a more perfect Proceſs of the State of Nature. The Subject on his Part cannot refuſe it, for it is due from him: And the Government on it's Part hath a Right to require it; it is the Duty of the Adminiſtator ſo to do; if he does not, he betrays his Truſt. We ſee thus, that a Man born in a free Country, of Parents that were Subjects of the Government of that Country, is as much, by all Right and Law, conſiſtent with his perfect Rights and full Liberty, a Subject of that Government, as his firſt Anceſtors were, who ſubjected themſelves by their own Conſent, as we have been taught to ſay. And each Individual is ſo vitally connected to the Whole, by that univerſal Spirit which all breathe, that he can no Way acquire a ſeparate or independent Exiſtence. And you ſee further that, were there no ſuch civil Vitality, yet from the Nature of that imperatorial Power, which muſt be in every State, that the Subject is ſo intimately connected to it, that he cannot, on any Pretence, abſolve him from the Allegiance that he owes to it; and, as this Service ſhall be required of him, cannot refuſe entering into it, or withdraw from it.

Q. Scæv. You have ſhewn, indeed, from the Conſideration of this Power, as well as others, in Government, that the State hath a Right to the Service and Perſon of it's natural-born Subjects. But how this Power, in the Exerciſe of this it's Claim and Right, may be conſiſtent with the civil Liberty of the Community, and thoſe Rights of the Individual which, we are agreed, are ſacred, is ſtill a Doubt with me.

It is univerſally allowed that, let the Spirit or Form of the Government be what it will, *this imperatorial Power muſt be monarchical.* No State ever tried the contrary but the Experiment proved a Demonſtration of this. Even *Athens* itſelf, the very Patroneſs of the levelling Scheme of Popularity, confeſſed this to be Fact. For tho' in the Times they delegated this Power to a Number of Commiſſioners, every Tribe naming one; and, as the Tribes were ten in Number, all in

common

common adding one more to be a caſting Vote: Yet in the latter Times they found the Uſe and Neceſſity of it's being executed by one, and accordingly ſent only one into the Field, while the reſt remained in the City, as a Council of War, to determine all Matters relating to the Army, And in *Rome* too the Caprice of this ſame popular Spirit would once have the imperatorial Power commiſſioned out to three military Tribunes, who, when they took the Field, ſays * *Livy*, were a palpable Conviction how impracticable the Empire of Numbers is in the Execution of the imperatorial Power. As the Accidents of War are ſo ſudden, the Opportunities ſo fleeting, no human Prudence can foreſee and provide for them. As † " Fortune is " various, and many Accidents and Advantages happen, which can- " not be known or improv'd by any but thoſe who are preſent:" No Community can give particular Inſtructions in regard to them. Great and intire Faith, therefore, muſt be repoſed in the Courage and Conduct of the Adminiſtrator of this Power; and nothing leſs than full and abſolute Power, independent of the Legiſlature, is fit for the Execution ‡ of it. And accordingly we find *Hermocrates* adviſing the popular State of *Syracuſe*, ‖ that their Generals ſhould be few, and of abſolute Authority; that all ſhould ſwear Fealty to them by an expreſs Oath; that the People ſhould ſuffer them to act according to their beſt Judgment and of themſelves. For thus thoſe Things,

* Tres, Delectu habito, profecti ſunt Veios, Documentumque fuere quàm plurium Imperium bello inutile eſſet. *Lib.* 4. § 31.

† *Machiavelli*, Diſc. on *Liv. Book* 2. *ch.* 23.

‡ *L. Æmilius Coſ.* ——— orationem talem habuit, ——— non ſum is qui non exiſtimem admonendos Duces eſſe: imò eum, qui de ſuâ unius ſententiâ omnia gerat, ſuperbum judico magis quam ſapientem. Quid ergo eſt? primum a prudentibus & propriè rei Militaris peritis, & uſu doctis, monendi Imperatores ſunt: deindè ab his qui interſunt gerendis [rebus, qui] loca, qui hoſtem, qui temporum opportunitatem vident, qui in eodem velut navigio participes ſunt periculi.——*Liv. Lib.* 44. § 22.

‖ Τὲς Στρατηγὲς, καὶ ὀλίγους καὶ αὐτοκράτορας χειναὶ ἑλέσθαι, καὶ ὀμόσαι αὐτοῖς τὸ ὅρκιον, ἢ μὲν ἐάσειν ἄρχειν ὅσα ἂν ἐπίστωνται. ὕτω γὰρ, ἃ κρύπτεσθαι δεῖ, μᾶλλον ἂν σέγεσθαι, καὶ τἄλλα κατὰ κόσμον καὶ αποφρασίσως παρασκευασθῆναι. Thucydides, *Lib.* 6. § 72.

ſaith he, which ought to be ſecret, will be beſt concealed, and every other Matter beſt regulated and executed, without any Tergiverſation or Pretext whatever. In like Manner we find that the *Lacedæmonian* King, who, in the Exerciſe of his civil Juriſdiction, was under great Reſtraints and Limitations, was yet in the Field, in his military Capacity, abſolute in great Meaſure. And of the *Roman* Conſul *Polybius* * ſaith, The whole Community, and every Individual, came under his Authority in the Field.

This then being the Caſe, and the imperatorial Power being capable of extending itſelf to every Individual of the Community: The whole Community, and every Individual, may come thus under military Diſcipline: And the civil Government, be it of what Form or Spirit it may, become monarchical and military. Nor does it at all mend the Matter to ſay, that this ſevere Reſtricture of the Empire only reaches to thoſe who, being Soldiers, are actually under the martial Law. For altho', when and where this Power is not in actual Exerciſe, and the particular Subject is not under the immediate Juriſdiction of it, ſuch Particular does not appear to be under ſuch ſtrict Bonds: Yet do they ſtill remain, and the different Degrees of Stricture of them are only the different Exertions of this Power, according to the varying Exigencies of State. The Power of drawing the Strictures of Allegiance ſo tight is in the Government, and, if it may ſo tie them, the actual greater or leſſer Stricture of them, at any particular Time or Place as ſhall happen, makes no Difference in the Point of my Objection.

L. Craſſ. Your Objection allows that, if it can be done, conſiſtent with Liberty, the State has a Right to enroll every natural-born Subject as one, of whom, when it thinks proper, it ſhall require his

* Διὰ τὸ καθ' ἰδίαν καὶ κοινὴν Πάνλας ἐν τοῖς ὑπαίθροις πρὸς τὴν ἐκείνων πίπλειν ἐξουσίαν. Polyb. *Lib.* 6. § 15.

Service.

Service. Now as Man's moral Liberty conſiſts in ſuch a State of his Nature, that every natural Power of it ſhall have full Scope to exert it's Actions, according to ſuch Power's own particular Nature, and coincident with his Nature in general: So the Liberty of a State conſiſts in that ſame free and perfect Exiſtence of it's ſeveral Powers apart, and their coinciding Harmony amongſt each other. If this Power of Government, which, for Diſtinction Sake, we have called the Imperatorial, be requiſite to a State, as far as it is required that it's Exertion ſhould extend, ſo far is the Exertion of it not only not inconſiſtent with any Rights and Liberties the Individual can have Claim to, but abſolutely neceſſary to the Liberty of the State. When it aſſumes ſuch Force, or takes ſuch a Form, as deſtroys, or, in the leaſt, abridges, any other equally natural and neceſſary Power of Government; or, being partially united to any one Power, conſpires with that to the Confounding and Deſtroying the other Parts of the Syſtem; then truly is the Liberty of the State corrupted, and the Rights of the Individual broke in upon.

The legiſlative Power may be * compar'd to Reaſon; the civil Part of the Executive to the Principle of Action in Man (whether it be call'd Conſcience, or Will, or however the Metaphyſicians pleaſe;) the Imperatorial to Paſſion. As, where the Paſſions are once grown *inveterate and violent*, both Reaſon and Will, rightly ſo call'd, are loſt and annihilated: So, when Uſurpation and Tyranny has once arm'd itſelf with this imperatorial Power, as the inherent Right of the Perſon, which was only repoſed in the Office for the Safety and Defence of the Community, the Government becomes military. And if further he hath confounded and made conſpire the civil Branch of the Executive to this Imperatorial, in Defiance and to the Extinction of the Reaſon and legiſlative Part, it becomes not only military but deſpotic.

* Καὶ αἱ Πολιτεῖαι δὲ κατὰ τὴν τριμέρειαν γίνονται τῆς ψυχῆς. *Sallaſt.* Philoſoph de Diis & Mundo, *Cap.* 11.

Every

Every deſpotic Government muſt be military, but every military Government is not deſpotic. Of the former moſt of the Governments in the Eaſt, both ancient and modern, are Examples; of the latter almoſt all the Nations of northern and weſtern *Europe*, when they began to ſettle as States: For the Government and Nation, whence they came forth as Colonies, was of quite another Sort.

On the other Hand, when the Reaſon, become partial and vicious; when ſome prevailing Party of the Legiſlative, grown corrupt and factious; conſpires and confounds itſelf with the Military; the Tyranny becomes more exquiſitely villainous and peſtilential: For they cannot only act what they will, but give the Sanctions of Law and Juſtice to what they act; and therefore do not only enſlave the Body and Perſon, but the very Soul and Spirit too: As was the Caſe in *Rome* at the Subverſion of the Commonwealth, and at the Abortion of that in theſe Kingdoms. * Out of both which, by as natural Means as the Spark flies upwards, aroſe at firſt a military Monarch.

That the Exerciſe therefore of this Power may not acquire ſuch Force, or take ſuch Form, or create ſuch Conſpiracy, it muſt be limited by the Time or Extenſion of it's Exertion, or the Means and Inſtruments it is to act by, according to the different Nature of the Syſtem it is connected with and exiſts in.

If the Extenſion of it's Commiſſion reaches to all and every Individual of the State, the Time, both as to its Length and Occaſion, muſt be defin'd, or the State will become military.

If the Duration of it's Commiſſion be indefinite, it muſt be circumſcribed in it's Extenſion, ſo as to reach only to ſuch a Number, or ſuch Particulars, as the Legiſlature ſhall appoint, or the Government would become military.

* Non aliud diſcordantis Patriæ remedium fuiſſe, quam ut ab uno regeretur. *Tacit. Ann.* Lib. 1. § 9.

Omnem Poteſtatem ad unum conferri pacis interfuit. *Ejuſd. Hiſt.* Lib. 1. §. 1.

And

And in both Caſes the Revenue muſt iſſue from and be determin'd by the Legiſlature, or the Government would be military.

A Militia, or an Army of Citizens, may be raiſed, and the Service of every Individual requir'd, with the ſevereſt and moſt rigid Exaction, without any Detriment to the Liberty of the State, or Danger to that of the Subject; becauſe the Power of the General is limited in it's Duration by the Rotation of Offices eſſential to a Republic; and by it's being accountable to the People or their Magiſtrates, at the Expiration of it; and by the Means, the Subſiſtence of it, being in the Hands of the Legiſlature.

Thus, amongſt the ancient *Gauls* and *Germans*, we find this Power extend over, and reaching to every Individual of the Community, with the ſtricteſt and ſevereſt Diſcipline; yet we ſee the State and Individual free in every real Right and Liberty of Mankind; becauſe the Extent of the Time of it's Exertion was limited, both as to the Duration and Occaſion, and becauſe it was accountable at it's Expiration: But when the Events of Fortune, and the State of Things, had taken away theſe Limits, and it became perpetual; when the General ſeiz'd thoſe Tenures, which were the Property of the Public, by which the Subject was bound to the State, as his private Property, and render'd them Ties of Allegiance to himſelf; the Subject, of a Citizen, became a Soldier; the Magiſtrate a Monarch; the Militia a Band of Mercenaries, and the Government military.

On the other Hand, there is no Danger in this Power's being indefinite in Time, being in perpetual Commiſſion, as it naturally is, and neceſſarily muſt be, in a Monarchy; while it is limited in the Extenſion of its Influence, and reaches only to ſuch a Number and ſuch Particulars as the Legiſlature ſhall determine; and while the Support and Life of it, the Revenue, is in the Hands of the Legiſlature.

As for Inſtance: Altho', at the firſt Subverſion of the *Roman* Republic, the General became ſupreme Magiſtrate, and the Govern-

ment military; altho' this imperatorial Power became unlimited in Time, and perpetual; yet, the Circumſtances of Things and the State of the Balance working, too powerfully to be oppoſed, to the Forming a limited Monarchy, the Emperor and his Council found it neceſſary to limit the Extent of it's Juriſdiction to ſuch Numbers and ſuch Particulars as the State of the Conſtitution would admit of. "'Tis my "Opinion, ſays * *Mecænas*, that you muſt keep up a *perpetual Mi-* "*litia*, but that the moſt Sturdy and Indigent only ſhould be en- "liſted and diſciplin'd; and that the reſt of the Citizens be exempt "from Arms and military Diſcipline. Thus thoſe, who ſcarcely, "very rarely, live without Robbery and Thieving, will have a com- "fortable and legal Subſiſtance, and the reſt live with greater Quiet "and Security." But if the State of the Balance had not demanded theſe Limitations, and the Emperor had had the Will, (of which we have no Right to pronounce either Way) he would, with much more Speciouſneſs than the ungracious Appearances of a ſtanding Army, have continued the Militia, and circumſcribed the whole Community within his Camp, and under the martial Law.

The Government of theſe Kingdoms being a Commonwealth adminiſter'd by a King (or, in other Words, a limited Monarchy) in the ſame Manner as the Government of the People of *Iſrael* was a Commonwealth adminiſter'd by God himſelf: As, by the neceſſary and eſſential Laws of a Monarchy, the Office of ſupreme Magiſtrate muſt be fix'd and perpetual in the King, where always, in Commiſſion, muſt reſide this imperatorial Power; ſo, by the natural Laws of a Commonwealth, the Influence of it's Juriſdiction muſt extend to every Individual of the Community: It ſhould ſeem that the imperatorial Power would reſide in one and the ſame Office, indefinite in

* ——— τὰς δὲ Στρατιώτας ἀθανάτους ——— διὰ μὲν δὲ ταῦτα γνώμην ποιοῦμαι, τὰς μὲν ἄλλας πάλας ἄνευ τῶν ὅπλων καὶ ἄνευ τειχῶν ζῆν· τὰς δὲ ἐξοπλισμενεστάτας καὶ βίᾳ μάλιστα δεομένας καταλέγεσθαι καὶ ἀσκεῖν. ——— τό τε ἀκμιότατον καὶ ἰσχυρότατον καὶ ἐκ λείας μάλιστα ζῆν ἀναγκαζόμενον, καὶ ἀλύπως τραφήσεται, καὶ τὸ λοιπὸν πᾶν ἀκινδύνως βιώσεται. Dion. Caſſius, *Lib.* 52.

Time,

Time, and unlimited in Extent, and therefore the Government be military. But we have ſaid this Monarchy is limited : Let us ſee then, how the Legiſlature (in whom the Whole originally reſided) has limited this Commiſſion, and what Powers it hath reſerved to it's own Share.

The Crown had no abſolute Power to compel Men to take up Arms, * otherwiſe than in Caſe of foreign Invaſion : No Power to make them find † Arms at Pleaſure : No Power ‡ to charge them for the Maintenance of Arms, but by Conſent of Parliament : § Nay, even the Service of thoſe, who were Soldiers by their Tenures, was neither indefinite nor infinite, but circumſcribed by Place, Time, and End. And even to what Power it had the Legiſlature would, upon Occaſions, ſet Rules of Reſtriction, as to the Extent of the Time and Space of it's Exertion. No Man could be compelled to go out of his Country in any Caſe but in that of foreign Invaſion ; ‖ nor out of the Kingdom on any Occaſion. And generally in all Caſes they ¶ exempted the north Parts beyond *Humber* from being drawn Southward ; and ſometimes order'd, that the Array ſhould be executed ** only in ſome particular Counties, at other Times wholly exempted the County adjacent, within ſix Miles of the Sea-coaſt. †† At ſome Seaſons they declar'd, that the Crown could not build or man Forts,

* Second Statute of *Ed.* III. *ann. Reg.* 1.

† 25th of *Edward* III. Stat. 5. cap. 8.

‡ The Charge of Arms impoſed upon the Subjects was ſaid to be done by the Common-Council of the whole Kingdom, as is witneſſed even by the King's own Law, [L. 1. *Guil.* Cap. 58. Spicileg.] *Bacon*, Part I. Chap. 46. No Tax or Tribute ſhall be taken but what was due in the Confeſſor's Time. *Hen.* I. Cap. 7.

§ *Bacon*, Part I. Chap. 70. of the Government under *Hen.* III. *Ed.* I. & II.

‖ The Armies that went out of the Kingdom, ſays *Bacon*, were raiſed by Volunteers, enliſted and paid by impreſt Money iſſuing from the Parliament ; or the Servants, Vaſſals, or Mercenaries of thoſe Lords and Gentlemen, who went as Volunteers.

¶ 13th of *Ed.* III.

** 20th of *Ed.* III.

†† Article of War made in the ſecond Parliament of *Mary* I. 2d and 3d of *Phil.* and *Mary*, Cap. 1. 2d of *Ed.* VI. Cap. 16.

Caſtles, or Ships, unleſs as order'd and directed by the Legiſlature. And, of the Whole in general, * the Militia were not bound to the Perſon but the Office, in which eſſentially and inſeparably reſided the Safety of the State: And even † in ſome Emergencies the Legiſlature reſerved in themſelves the Execution of this Power. If therefore it was ever ſuppoſed, that the Statute of Queen *Mary* ſuperſeded all former Laws concerning the Limitation of this Power; and that, by King *James* the Firſt repealing this, all declar'd Law whatever, as to this Point, was taken away; and that this Power therefore return'd to the Crown (whence it was derived) and reſided there eſſentially in a perfect and plenary Exiſtence of all it's Powers, and that the Adminiſtration of it was by the Execution of the martial Law: If this, I ſay, was at any Time held out as a Right and Prerogative of the Crown, and more eſpecially at a Time when the Parts of the Legiſlature, the Crown and Parliament, were at Variance: The Claim that the Parliament put in, in Bar of ſuch Exertion of the Prerogative, to the Ordering of the Militia, ‡ was founded in the fundamental Laws of the Kingdom, and of no leſs Import, than whether the Government ſhould be military or civil. But as a military Power in a Monarchy, as unlimited in the Extent of it's Influence, as indefinite in Time, renders the Government military; ſo a Militia, in the Hands of the People to the Excluſion of the Crown, alters the Eſſence of the Conſtitution, and creates a Republic. When therefore, on either Hand, ſuch were the Aims, ſuch Aims were Factions, to ſay no worſe of them.

A Citizen, not ſubject to martial Law, and train'd by military Diſcipline, never was a Soldier: But on the other Hand, if martial Law

* Statute of *Mag. Chart.* 70, 71, 72. and all its Confirmations.

† At the Death of *Hen.* III. when *Ed.* I. was in the *Holy Land*, in the Minority of *Henry* VI. and *Edward* VI.

‡ As the Claimants continually aſſert, and not, as § Mr. *Rapin* miſtakes, merely in the abſtract Laws of Nature, that of Self-Defence.

§ Vol. II. Book 20. Page 427.

and

and military Diſcipline might be extended to every Individual of the Community, as, in a Monarchy, it is extended in it's Duration to all Times, the Citizen would, indeed, become a Soldier, and there would be an excellent Army; but both Citizen and civil Empire would be abſorb'd in that Army. How ſtrangely then do they err, who, thro' a zealous Affection to the popular Intereſt, are ever wiſhing and labouring for that, which, in a Monarchy, muſt inevitably overthrow ſuch Intereſt, while they neglect and decry that which is the proper and only natural Security in ſuch a Conſtitution, both to the State and Individual, an Army of Volunteers, of ſuch Perſons, and ſuch a Number, as the Legiſlature ſhall deſcribe, raiſed by impreſt Money derived from thence; an Army in the Hands of the Monarch, but in the Will of the People?

As the Limitation of the imperatorial Power in Time is the proper State of it in a Republic; ſo the Limitation of the Influence of it's Juriſdiction is the proper and natural State of it in a free Monarchy. As theſe are Modes of it's Exiſtence in either State reſpectively; ſo is it the neceſſary and, when ſteadily maintain'd, ſufficient Security of both in common, that it's Life and Subſiſtance, the Revenue that ſupports it, ſhould iſſue from the Legiſlature, where the Balance of Property reſides.

Where an Army ſubſiſts by the Riches of a ſingle Perſon, or a Nobility, that Army will always be monarchical: And where it ſubſiſts and is ingrafted on the Stock of the national Intereſt, which the Legiſlature, in a free Government, ever is, it will grow up with, and be interwoven into, this national Intereſt, and be one and the ſame with it. If that Intereſt be popular, the Spirit of ſuch Army always will be popular, as ſaith Mr. *Harrington*, [Politic Aphoriſms 100] the *Engliſh* Armies ever were. In a Government founded on a *landed Balance*, where the Land is not to be overbalanced by the Money, any military Power of a diſtinct Intereſt from the national Intereſt muſt be narrowly circumſcribed

by the finite and temporary Revenues of ſuch an Intereſt, and can bear no Proportion to the permanent, certain, and unlimited one of the national Balance. " * A Bank never paid an Army, or, paying " an Army, ſoon became no Bank. But where a Prince or a No- " bility [or People] have an Eſtate in Land, the Revenue whereof " will defray this Charge, there their Men are planted; have Toes " that are Roots, and Arms that will bring forth what Fruit you " pleaſe."

This Power therefore, thus form'd on Principles conſiſtent with the Nature of Man, and the Nature of the Syſtem of Government it ſubſiſts in, does not in the leaſt deſtroy any Right, or infringe any Liberty, the Subject is capable of enjoying, or can have, by virtue of his original natural State (as it is call'd) any Claim to: A Power thus form'd, that does not interfere with, obſtruct, or deſtroy any other equally natural and legal Power of Government, is in itſelf juſt and natural, and becomes an equitable legal Tie of Allegiance ſuperadded, or, more properly, coinciding with that civil one, the Organization and Union of the Community. And it is not only neceſſary to civil Liberty, the Liberty of the State, that it ſhould be ſo; but is conſiſtent and coincident with the Liberty of the Subject that it is ſo.

The Connexion therefore that is between the Subject and Government, is not, as is often underſtood, an artificial reciprocal Alliance of the two Parties, where Allegiance is the Condition to be perform'd by the Subject, and Protection of ſuch Subject, on the Part of the Government; † but as Communion is the creating Cauſe of Society, and the Protection of that Communion the End of Government, it is a ‡ *natural Connexion* of every Individual with the Community;

* The Prerogative of Popular Government, *Chap.* 3.

† Πολιτεία Ἐπιμελεία συμπάσης ἀνθρωπίνης Κοινωνίας. Platonis Politicus.

‡ Ἡ Σωτηρία τῆς Ναυτιλίας ἔργον ἐστὶν αὐτων πάντων, τοῦτο γὰρ ἕκασος ὀρέγεται τῶν πλωτήρων· ὁμοίως τοίνυν καὶ τῶν Πολιτῶν, καὶ ἀνομοίων ὄντων, ἡ Σωτηρία τῆς Κοινωνίας ἔργον ἐστίν. Κοινωνία δὲ ἐστὶν ἡ Πολιτεία. Ariſt. de Repub. *Lib.* 3. *Cap.* 4.

and

and an abſolute indiſpenſable Obligation to the Whole for the Preſervation of it's Communion. The Subject therefore can, by no Right or Claim whatever, acquire a diſtinct and independent Intereſt or Exiſtence. Nor can any other Power on Earth, upon any Pretence whatever, diſſolve this Obligation, by abſolving him from his Allegiance, and robbing his lawful Government of his Perſon and Service.

Altho' the Government, for the Good of the Whole, may permit Particulars to withdraw from the Community; or, on Account of legal Diſability, may prohibit them from Communion, and deny them Protection: Yet this muſt be an Act of the Community, not of the Perſons own; all Pretence therefore of withdrawing, by undertaking voluntary Baniſhment, is precluded. There is a Proceſs, amongſt our obſolete Laws, of Abjuring the Realm, which, as it ſeems to be the Act and Deed of the Subject, looks like Withdrawing from Allegiance, by undertaking voluntary Baniſhment. But this was an Act of the Community, an Act of Grace, when the Subject had forfeited his Life (by ſome Felony, or otherways) to cut him off from the Community, but not from Life. It was the Act of the Government, where it made it's own Terms, requiring of him an Engagement that he would not be reconcil'd to, nor enter into, any Practice againſt the Realm. And thus *Cromwell*, in his Expedition into *Ireland*, publiſhed a Proclamation, whereby he permitted all *Iriſh* Officers, that were willing to go into the Service of foreign Princes, to enliſt what Soldiers were willing to follow them, under Engagement that they would act nothing prejudicial to the Government of *England*.

Q. Scæv. Does not this come up exactly to the Caſe of the *Iriſh* Troops we mention'd the other Day? For a Perſon who, on Account of legal Diſabilities, is excluded from the full Communion and Protection of the State, of which he is naturally born a Part and Member,

ber, may be permitted, nay, I doubt, whether he can be refus'd, from withdrawing from this State, and going into foreign Service.

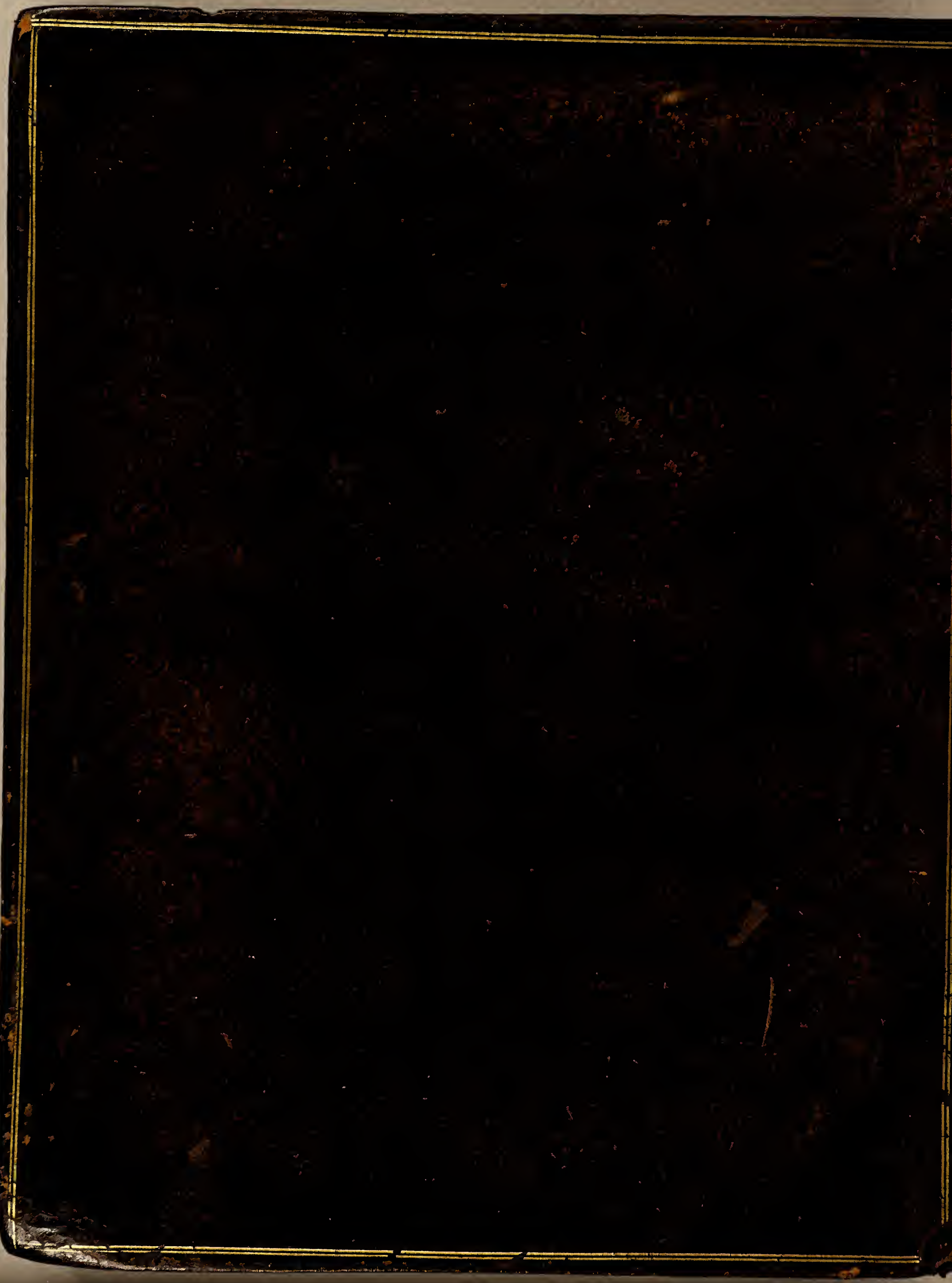
L. Craſſ. You don't ſurely think this is the Caſe? Is there any formal Abjuration? Is there any Act of the Government? But allowing they are permitted to withdraw themſelves; that their Enliſting into foreign Service is conniv'd at: Yet by the very Conditions, whether tacit or expreſſed, they are bound not to practiſe againſt the Realm. Indeed, the Lenity of our Government hath been pleas'd to interpret their Service under the *French* Banner (when at War with us) while they act upon the Continent, as not under the Penalty of the Laws. And truly this Permiſſion could be only practicable in Time of Peace, were it not for this Interpretation. But it can give them no Right to return upon their Country, directly againſt their Allegiance, in Conjunction with Traytors and Rebels, when there is a Law of their Country even againſt their Returning at all. I mention this, becauſe, if they be permitted to withdraw, it can be upon no other Conditions than thoſe which the Government hath thought fit to enact; for, by the whole Tenor of what has been ſaid, they can have no Right, of themſelves, to withdraw, no Right but what is granted, and upon no other Conditions than it is ſo granted.

Here I could obſerve, by my old Friend's Countenance, that, however he and *Lucius* might be agreed in the general abſtract Principles, yet, as is ever the Caſe, Diſpute would again ariſe upon Particulars. But, as good Luck would have it, the Women ſent for us to Cards; and, as Buſineſs muſt not be neglected, we left theſe Matters of Amuſement, and waited upon them immediately.

F I N I S.

The Diſtance of the Author from the Preſs has occaſioned the following Errata, *which the Reader is deſired to correct.*

Page 2. Line 23. after *Reigns*; for ; put only a *Comma*. P. 5. L. 5. for *and that theſe* r. *which Conditions*. Ibid. for *Thus* r. *So that*. P. 11. L. 26. after *Vaunting* put a *Colon*. P. 13. L. 25. inſtead of a Point of *Interrogation* put a *full Point*. P. 35. L. 5. dele *Q. Scævola*. P. 40. L. 2. for *Clauſe* r. *Cauſe*. P. ibid. L. 8. for *ever* r. *even*. L. 17. for *of* r. *to*. L. 29. for πελέως r. πολέως. P. 45. L. 7. for *from Deſcription* r. *or Deſcription*. L. 9. after the *Former*, inſtead of a *full Point* put a *Semicolon*. L. 19. for *illuminated* r. *illumin'd* L. 20. after *unſatisfied* put a *Semicolon*. P. 50. L. 19. for *when* r. *whom*. P. 54. L. 2. for *now* r. *how*. P. 55. L. 21. dele *that*. P. 70. L. 6. for *if* r. *it*. P. 73. L. 8. for *Rinos* r. *Minos*. P. 74. L. 7. for *Back* r. *Bank*. P. 76. L. 13. for *Eliona* r. *Elioun*. P. 87. L. 12. for *Retail* r. *Detail*. P. 87. at the Note ‡ inſert *Callimachi Hymnus in Jovem*. P. 89. L. 5. for *Claws* r. *Clans* P. 92. L. 14. and 15. read thus, *by unnatural Means, as a proper Foundation for ſuch; He did not act from any ideal Standard*, &c.——. P. 94. L. 2. for *Empire* r. *Impire*. P. 102. L. 29. dele *the*. P. 106. L. 23. for *and* r. *that*. P. 108. L. 10. for *it's* r. *it*. P. 118. L. 9. for *falcmote* r. *Folcmote*. P. 130. L. 30. after *tho' in the*, inſert *earlier*. P. 136. L. 8. for *perpetual Militia* r. *perpetual Souldiery*. P. 137. laſt Line but one, for *Article of War* r. *Articles of Marr*.

09127

D752
P889p